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EU's immigration policy for the Black Sea region:
FRONTEX and the securitization of immigration

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Abstract

This paper examines the EU's immigration policy and security discourse for the Black Sea region, the Union's south-eastern external border, and also focuses on the workings of FRONTEX (the EU's agency for external border security) as an institution and examines its activity in the region. The subject is examined through the main theoretical assumptions and key hypotheses of Didier Bigo's theory about the 'Governmentality of Unease'. The term 'Black Sea region' is also examined in order to define what it may mean, how and why the region has emerged as place of interest for international politics and how this paper problematizes the term. After an examination of EU's stance on 'irregular' immigration, the Black Sea Synergy initiative is used to showcase EU's security discourse vis-à-vis the Black Sea countries. The FRONTEX agency and its working are presented in detail as well as the main criticism that the agency has faced from civil society and academia. FRONTEX' activity in the Black Sea region is also examined in order to highlight the practical aspects of EU immigration policy in the region. Moreover, a December 2011 report of Human Rights Watch concerning FRONTEX' activity in the Greek-Turkish land border is used as a case in point in order to highlight the agency's workings in the region in practice.

I. Introduction

Immigration is one of the most discussed issues in contemporary European Union (EU), be it in academic and political circles, in the media and in everyday life. Sadly, we have probably become accustomed to hearing every once in a few days about a ‘number’ of immigrants that have died horrible deaths trying to enter into the Schengen area, like drowning in the Mediterranean Sea, freezing to death trying to cross land borders or suffocating in trucks. We never learn their names and their ‘numbers’ escape our mind almost immediately. They are just ‘immigrants’. Occasionally we hear about and see images and videos of packed detention camps that the member states of the EU have set up around and inside their borders. Other times we hear about operations of the authorities to apprehend and expel immigrants already living in the EU. Many times by various discourses these people are deemed ‘illegal’ and are presented as a threat to ‘our’ societies and way of life, treated as major problem that has to be solved in some way.

It has been said that if we would mark on the geophysical map of the Europe the places where immigrants have died we would easily form the external borders of the European Union (Λιάκος 2003)¹. Inside these borders the citizens of the EU enjoy a set of rights and also free movement across the internal borders due to the Schengen Agreement. ‘Life’ in these modern states is understood only in the context of a polity or a state, a life characterized by the ‘rights’ of the citizens. As philosopher Giorgio Agamben points out (drawing on Hannah Arendt's analysis in *The Human Condition*), outside of these limits, the limits of law and state, life is reduced to “*bare life*” – *zoe* (ζωή) as opposed to *vios* (βίος), a division inherited by the ancient Greek and Roman political philosophy (Agamben 1998). In the state of *bare life* the only thing that remains to a person is his/her body – he/she has no ‘rights’ and belongs to no state, not to the one they were trying to get to and not to the one from where they left. That is why the dead bodies of immigrants are unwanted, claimed by nobody, and no one is responsible or to be punished for their deaths since they belong to no polity. The boundary between *life* and *bare life* is not only proved with the death of people but also by life in the detention centres. Thus, we live in a world where there are people with ‘rights’ and people with ‘no rights’. The people with no rights live a life with the potential to be apprehended, put in detention, expelled, be dead or killed at every single moment. This fact forms an internal apartheid similar to a ‘state of emergency’ as it was experienced in different situations

¹ See Annex, Map 3 for a depiction of this statement.

throughout the 20th century, when it was possible that some people, for different reasons in every era or country, could “from one moment to another be deprived of their rights, their home, their family and be reduced to the state of a living body inside a concentration camp or to the state of a dead body”¹ (Ατζαζος 2003).

Setting out from this view and problematisation of the immigration phenomenon this paper examines the EU’s immigration policy and security discourse for the Black Sea region², the Union’s south-eastern external border, and also focuses on the workings of FRONTEX (the EU’s agency for external border security) as an institution and its activity in the region. The Black Sea region has emerged as a place of importance for the EU (and other actors as well) especially since Bulgaria and Romania entered the Union in 2007 and the external border of the EU reached the Sea. The case of the Black Sea countries (the ones that are not members of the EU) vis-à-vis the European Union is interesting because these states are situated in the frontier of EU, not in but also not far away to the ‘East’, and thus the Union has to deal with them especially since the region is seen as very important from a geostrategic point of view because it is the road where the vital resources of energy pass to end up in the EU member states.

In an effort to ensure its interests and its ‘stability’ EU’s discourse and policy papers are bloated with the term ‘security’. The notion of ‘internal security’ has been gradually introduced to the political discourse of the European Union since the collapse of the USSR (Bigo 2002: 7 - 8). However, the term ‘security’ can essentially be seen as an idiom that can mean very different things. What does it mean for the politicians of the EU or the policy makers? What does it mean for the military? And what for the citizens of the EU who are listening to the media and the politicians talking about ‘security issues’? In the context of the traditional military-political understanding, security is about survival from an existential threat which in turn justifies the use of extraordinary measures (Buzan, Wæver and de Wilde 1998: 21). However, a “security issue” can have different meanings when used in different sectors like the military, the political sector, the economic sector, the environmental sector and the societal sector. “The essential quality of existence will vary greatly across different sectors and levels of analysis; therefore, so will the nature of existential threats” (op cit: 21 - 22).

¹ Translation from Greek by the author of this paper.

² What the term ‘Black Sea region’ might mean will be discussed later on.

In a globalised discourse concerning security, immigration has been also deemed a security problem for Western societies leading to the legitimization of the concept of the ‘securitisation of migration’ – a notion that assumes that the immigrant has been constructed as a potential enemy for the state (Boutouqá 2011: 5 - 6). In the EU this has brought about great financial cost in the policing of the external borders and the restraint of immigrants and asylum seekers in the interior of the Union, thus leading to violations of the international treaties regarding human rights and the protection of refugees, by prioritizing ‘security concerns’ over and above human rights obligations articulated in these treaties (op cit: 6).

The **structure** of this paper will be the following:

It starts with a presentation of the theoretical framework of the thesis which articulates the main theoretical assumptions and key hypotheses through which the subject will be examined [Chapter II. Theoretical Framework].

The next chapter [III. The ‘Black Sea region’] will engage in an examination of the term ‘Black Sea region’ in order to define what it may mean, how and why the region has emerged as place of interest for international politics and how this paper problematizes the term.

The following chapter [IV. EU immigration policies and discourse for the Black Sea region] will present EU’s stance on ‘irregular’ immigration and an aspect of the policies that EU has developed for the Black Sea countries in order for the Union’s security discourse regarding the region to be revealed.

This way the role of FRONTEX in the managing of the external borders (which will be the subject of the next chapter [V. FRONTEX]) will become clearer.

After the presentation of FRONTEX as an agency, the following chapter [VI. FRONTEX in the public debate] will present the criticism that the agency has faced on various levels.

The last chapter [VII. FRONTEX in the Black Sea region] will focus on FRONTEX’ activity in the Black Sea region and will utilize a recent report by Human Rights Watch as a case in point to highlight the agency’s workings in practice.

Methodologically, the paper follows a qualitative research method utilizing and critically analyzing secondary bibliography (scientific research literature and publications by NGOs and other immigration related organisations), as well as primary sources (policy

documents, treaties and agreements published by the EU and FRONTEX, official websites of the EU, the website of FRONTEX and the websites of other international organisations, and media sources as well).

Regarding the **terminology** used it must be noted that the paper will utilize the term ‘irregular’ immigration to refer to the phenomenon of the massive, unofficial movement of people across state-borders. The term will be used knowing that ‘irregular’ is based on a statist approach to immigration (since the above described phenomenon of movement of people is probably the most regular one for the whole planet) but it is nevertheless seen as more appropriate than the use of the mainstream term ‘illegal’ immigration which the EU has been constantly using for decades now. The term ‘illegal’ has a negative connotation that brings in mind criminal acts and suspicion thus contributing to the negative framing of immigrants as a threat to EU societies.

EU policy is fostering an artificial link between what is principally a social issue and penal/repressive administrative law and practices. This link creates a critical overlap between the category of the undocumented migrant and a potential criminal (Carrera & Merlino 2009: 11).

The EU policy documents are fraught with idioms of ‘aggression’; for example the Commission has been constantly using phrases such as “fighting illegal immigration” and “combating illegal immigration”. This makes the situation even worse since it brings to mind images of a war and of a massive invasion to the EU countries – ideas that have been successfully challenged through years of sociological and anthropological studies and research¹.

¹ This fact is mentioned, for example, by Bigo (2002: 2), “[...] claims that increases in insecurity can be attributed to the responsibility of migrants for crime, delinquency, and deviance have been successfully challenged by critical analysis without much effect on the prevailing political rhetoric”. For some examples see: Tsoukala, Anastasia, (2011) “Turning Migrants into Security Threats. A multi-faceted process”, in Lazaridis G. (ed.) *Security, Insecurity and Migration in Europe*, Aldershot: Ashgate: 179-199; Βουτυρά, Ευτυχία, «Κουλτούρες της ‘ασφάλειας’ και οι ανασφάλειες των προσφύγων» στο Ε. Παπαταξιάρχης (επιμ.), «Αναθεωρήσεις του πολιτικού. Ανθρωπολογική και ιστορική έρευνα στην ελληνική κοινωνία», Αθήνα: Αλεξάνδρεια 2011, where the stereotype of the threat that the immigrant is for western societies is challenged through interviews with children and youths seeking asylum in Greece. See also, Saskia Sassen’s book “Guest and Aliens” (New Press, 1999) where by analyzing the history of migration the author challenges the misconception of immigration as an invasion.

II. Theoretical Framework

a. Critical security studies

The end of the Cold War brought significant political and economical changes to Europe and the world. It also challenged ideas and theories that were developed in the Cold War scene. Among scholars, ‘security’ is one of the most discussed notions in the post-Cold War era (Krause & Williams 1997: 33). This debate brought about the development of the critical security studies.

‘Critical security’ is a new approach to theorizing about security issues that emerged in the 1990s. This new view posed questions that were not raised by the traditional approach to security in the previous decades – that is, the realist and statist approach of Cold War-era security studies – or the neo-realist theories. The basic questions that critical security studies raised were questions challenging the nature and idea of security, the meaning and value of it. What is security? Who is being secured? What is it to be secure and from what kind of threats? What is deemed as a ‘security issue’ and what does security do? Thus, the connection between the notion of security and the political and social world is revealed (Nunes 2007: 4, Sheehan 1999: 4). Moreover, the idea that the state is “both the primary actor in world politics and the provider of security, which leads in turn to a political orientation that holds national (state) security to be the pre-eminent value” is challenged (Vaughan-Williams & Peoples 2009: 21).

Different approaches to the issue of security have been developed inside the wider context of critical security studies. Ole Wæver (2004), in a paper discussing the different security theories that have been developed in the last years, discerns three main ‘schools’ of thought: the Aberystwyth (or Welsh) School, the Copenhagen School and the Paris School. This categorization, based on location as a metaphor in order to distinguish the different approaches and not necessarily specific to the places mentioned, is to be taken as a rough sketch of the ideas that certain scholars have developed and not as a definite division or a complete one. Wæver also acknowledges the fact that some writers like Williams, Huysmans, Krause and Hansen cannot easily be placed in specific ‘schools’ and are important for the broader debate¹. (Wæver op cit: 7)

¹ Wæver in the same paper also compares the security theories that have been developed in Europe with those that have been developed in the United States and he argues that in the US researchers have taken an intra-realist approach characterized by a more narrow military focus

The Aberystwyth School, with Ken Booth and Richard Wyn Jones as prominent figures, has developed a theory that challenges the definition of security as just a military threat to the state and stresses the connection of security to human emancipation, to the security of the individual from broader threats. (Wæver op cit: 6) This school is usually referred by scholars as Critical Security Studies (CSS - upper case) to denote its Marxian tradition of theorizing, i.e. 'Critical Theory' approach (upper case) that involves the Frankfurt School, and thinkers like Habermas, Gramsci and Kant, while lower case 'critical security studies' is connected with the use of the term 'critical theory' (lower case) in the social sciences that denotes a wider range of ideas that can include Marxian-inspired thought but can also challenge it (Vaughan-Williams & Peoples 2009: 18, Wæver 2004: 6).

The Copenhagen School, with scholars such as Wæver and Buzan, has introduced the concept of 'securitisation' and focuses on how, in modern security discourse, an issue is presented as a threat to an object being threatened (more commonly, but not necessarily, the state) and how this existential threat is the reason that brings the invocation of security – and with it the legitimising use of force and exceptional measures that go beyond the established rules of the political game. For the Copenhagen School, securitisation, the process of constructing and acknowledging a threat and securitizing an object, is not a task of assessing objective dangers but essentially a *speech act* – “it is the utterance itself that is the act. By saying the words, something is done (like giving a promise, betting, naming a ship)” (Wæver op cit: 8). In the case of immigration, the political procedures and workings that act together construct the legal frame where the security discourse is based which in turn deems 'foreigners' as dangerous and as a threat to the state (Βουτυρά 2011: 9).

without an interest in a critical deconstructing of security as a concept. In a table made by Wæver in the same paper there is a sum-up of the contrast between Europe and US:

Contrast	
The US	Europe
– Concept of security not interesting (only delineation)	– Concept of security as continued centre of reflection
– General IR theories applied and competing	– Specific theorising about security
– Narrow military focus	– Broad econ-political approach
– Rationalist theories; but in soft version often using historical case studies	– Degrees of reflectivism/constructivism
– Instrumental knowledge to assist in handling policy tasks	– General reflection as part of political process in society on fundamental questions of self-definition and self-shaping

(Source: Wæver 2004: 14)

The Paris School is the one that has developed a more sociological approach to the issue of security and securitisation. The works of Pierre Bourdieu and Michel Foucault have influenced this school and a lot of work has been focused on investigating actual practices by various agencies, how security professionals and bureaucrats construct and conduct security. Didier Bigo is a main figure of the Paris School and his theory, which will be presented below, is important to this paper since it can be applied in order to look at the security discourses that the EU has developed concerning its neighbouring countries and the workings of an agency such as FRONTEX (Wæver op cit: 9)¹.

b. Didier Bigo's theory: The Governmentality of Unease

Didier Bigo's work has been called a poststructural approach to security. Among others, he is inspired by Michel Foucault's writings and methodologically influenced by Pierre Bourdieu's concepts of *habitus* and the *field* (Vaughan-Williams & Peoples 2009: 69)². Bigo (2002) presents his theory on the securitisation of immigration in his paper "Security and Immigration: Toward a Critique of the Governmentality of Unease".

Bigo does not see the route of the problem in practices like the propaganda of extreme right-wing political parties, racism, a rhetoric convincing people of the danger that immigrants are, or 'speech acts' by various actors from the state or the society – although he recognizes that all these facts contribute to the securitization of immigration. His hypothesis is that the securitisation of immigration is based on a combination of different ideas, situations and practices. These are, in Bigo's words, "our conception of the state as a body or a container for the polity", the fear of politicians "about losing their symbolic control over the territorial boundaries", "the habitus of the security professionals" and "the "unease" that some citizens who feel discarded suffer because they cannot cope with the uncertainty of everyday life" (Bigo op cit: 1).

For Bigo, the policies that construct and treat immigrants as a threat ("policies of denial, of active forgetting") are fundamentally based on the conception of the state "as a body or container of the polity" by the lead actors that produce the security discourses.

¹ Wæver also sees other participants in the debate, like "traditionalists' to the one side and 'hard-core post-modernists' and feminists to the other" (Wæver 2004: 10).

² Vaughan-Williams and Peoples give a brief and simple explanation of the terms: 'habitus' is "the framework of orientation, provided for both by formal and informal social structures, within which actors are emplaced in society". The 'field' is "the social universe within which actors relate to each other and those structures: a complex web of relations between different positions determined by inequalities such as power and wealth" (Vaughan-Williams & Peoples 2009: 69).

For journalists, bureaucrats, and lawyers, but also for most political scientists of Western societies, state is often confused with state apparatus and government. Governments in representative democracies, they argue, derive their legitimacy from their citizens, so they associate state and democracy without much sense of the limits of and contradictions between these two notions (Bigo op cit: 2).

Thus, citizens are conceived as nationals and this conception is based on an opposition with 'foreigners' – consequently, migrants also. So, immigrants are seen as the outsiders that threaten the 'homogeneity' of the state and society. The concept of sovereignty, of clear cut borders and of security, have structured our thoughts in such a way that we visualise the state as a "body" that contains the national identity, that is different from other polities, and that is the only possible political order that can exist and guarantee for security. Bigo mentions that this way of thinking is many times forgotten or neglected by scientists and urges that "sovereignty and security cannot be conceived merely as analytical tools of social reality; they must be seen as categories demanding genealogical analysis and linked to a particular way of governing" (Bigo op cit: 3).

Politicians participate in and reproduce the "sovereignty myth" regarding the state because it gives meaning to their existence, their understanding of the political and social world and their own struggles and moreover because they fear of "losing their symbolic control over the territorial boundaries" (especially in today's environment of a globalised capitalism). The political game and spectacle becomes the scene where politicians compete and where they construct situations as problems – thus, they distance themselves from other politicians and the solution that they offer on how to manage these problems justifies their authority (also, a problem can be used in order to steer away from other problems or to "transform structural difficulties into easy targets") (Bigo op cit: 3). Labeling immigration as a problem or a threat is a similar process. They see in immigration a 'penetration' of the state and presuppose it can be controlled. Having the right to control, they have the right to define the status of people – 'legal' or 'illegal'. But because immigration flows cannot really be controlled entirely ("the impossibility of managing millions of decisions taken by individuals") and the immigrants eventually find their way in the state (or the EU as a supranational polity) they are seen

by the politicians as enemies, as the opposite of the 'good citizens', that break the law and mock their will (Bigo op cit: 3 - 4).

Security professionals, on the other hand, are those that define and determine the 'threats' and the 'risks' – in contrast to other people, who are "amateurs", they 'know' because they are professionals. Utilizing Bourdieu's concept of *habitus*, Bigo sees the creation of a "*security field*" by the security professionals. They utilize secrecy and technology and they share "a specific kind of the "sense of the game"". In this field there are different specialists (eg. customs, police, intelligence agents, bankers, suppliers of technology) that have 'security' as their subject and by 'doing' security and defining and assessing the risks and the threats that produce fear and 'insecurity' to European societies they have become the "managers of unease". Moreover, none of the many security actors is the master of the game and in a constant competition between them and with the politicians and by sharing knowledge and information they construct and define the threats. In today's Europe that Soviet Union is not the enemy anymore new enemies are needed for the military and security organizations to continue to function and the concept of the "internal security of the EU" has been gradually created. For these professionals the 'immigrant' has now become the enemy and it is first of all seen as a target for the new technologies to be tested and used and only secondarily as a danger to "a boundary they need to protect (a polity, a group, a supposed identity)" (Bigo op cit: 7 - 8).

Under these circumstances, the words 'immigration' and 'immigrant' become catchwords that are used to refer to many heterogeneous situations of movement and of people, and enter the political and social scene only as a political problem, a problem that threatens the state and its people:

The term immigrant is politically meaningful only in a discourse of "struggle against illegal immigrants," or in a discourse of "regulation," but in any case in a rhetoric of cultural nationalism creating citizenship by difference with these outsiders inside the state (Bigo op cit: 4).

Bigo suggests an extension of Michel Foucault's work and building on the '*panopticon*', he proposes the term "*ban-opticon*" in order to explain the form of governmentality of the postmodern societies. It is a governmentality based on "misgivings and unrest" in order to justify its authority and reassure the insecure citizens

of its control. It is characterized by the securitisation of immigration, the setting of restrictive rules and norms, the practices of rejection and detention in the borders and the strengthening of the ‘internal security’ of the state against the welfare state. Thus, the ban-opticon uses the “technologies of surveillance [to] sort out who needs to be under surveillance and who is free of surveillance, because of his profile” (Bigo op cit: 10). Thus, a ‘risk society’ is formed in the EU, that creates unease to its citizens, an unease that is in fact not psychological but structural, “framed by neoliberal discourses in which freedom is always associated at its limits with danger and (in)security” (Bigo op cit: 1).

Viewing EU’s policies and the workings of FRONTEX through the eyes of Bigo’s theory gives great insight. FRONTEX is an “intelligence-driven agency whose core activity is operations, the first stage of which is risk analysis” (FRONTEX 2011a) and thus it can be seen as a key actor in the practice of defining of what a ‘threat’ for EU’s security is. It is one of the most important agencies that form EU’s ‘security field’ and, along with other actors and the member-states’ resources, works to survey, control and secure the external borders of the Union. All this work is done in the name of ‘freedom’ (as in EU’s Area of Freedom, Security and Justice), a freedom of movement and of choices for EU’s citizens, but nevertheless a freedom that can only be perceived in a context of banishment of those undesired.

Before going into the analysis of EU’s policies regarding ‘irregular’ immigration and of FRONTEX, the next chapter will discuss the term ‘Black Sea region’ in order to clarify what it can mean, what it means for the EU and for this paper and what is the region’s place in today’s international politics.

III. The ‘Black Sea region’

It is necessary that we engage in a discussion about the definition of what we name the ‘Black Sea region’. The term ‘region’ is by itself difficult to define. As King (2004) puts it:

“No regional label can stand too much interrogation. As soon as one tries to identify an essential set of characteristics that is meant to distinguish some broad geographical unit from some other, those characteristics begin to look frustratingly ephemeral” (King 2004: 7).

It seems thus, that regions, with their ‘characteristics’ and ‘borders’, are shaped in the eye of the beholder, which means that each analysis or discourse decides on certain criteria to take into consideration in order to shape the ‘region’. No less than nations, regions too seem to be constructed in the imagination of people¹ and different discourses seem to develop for specific regions – being, for example, popular discourses or these of academia, politics or military and security ones.

Having this in mind, if we look at the Black Sea and the lands surrounding it, from a historical point of view, boldly shrinking time to a few sentences and examining the way it was viewed and conceptualized in every era by different people or political entities, we can trace an amazing shift of perspectives. For ancient Greek mythology its northern and eastern shores were the edge of the world, for the Greek settlers however, who created a strong commercial network all around its shores, it was a new world of opportunities and challenges. For the Roman Empire the region was a frontier and for poet Ovid a sad place of exile². For a time it was a closed, private sea belonging to the Ottoman Empire but then with the rise of Russian power it was a place to be contested between imperial powers (and not only the powers that were bordering the sea but those of western Europe also) (Ascherson 2007: 97). Then, the rise of nationalism and nation-states played its own role in the reforming of the region but this process for many countries was halted due to the formation of USSR and the emerging of the Cold War

¹ I am referring to Benedict Anderson’s well-known book “Imagined Communities” (Anderson 1991).

² As Ovid wrote, “They call it the Euxine, ‘hospitable’. They lie” (King 2004: 44).

which shaped the region as a boundary between contesting powers and ideologies (King 2004: 215 - 219, 229 - 230).

However, after the collapse of the Soviet Union the Black Sea region is re-emerging as a place of interest for international politics. As we will see, the European Union (EU) considers the countries surrounding the sea as its 'neighbours' and has thus compiled the European Neighborhood Policy (ENP), a bilateral policy between the EU and its neighbouring countries, that has also developed regional and multilateral initiatives, which seeks to bring the 'neighbours' closer to EU values and norms, to make them "well governed countries" (ENP 2004: 6) in order for a close cooperation and "prosperity, stability and security of all" to be achieved (ENP website 2011). Other actors and projects are also making their presence felt, especially in the Caucasus region, like Russia, the US and NATO (Najslova 2010: 29 - 30). Since the years of Putin, Russia is trying to re-establish itself as a major regional power. Specifically, Moscow has a long-term influence on the Caucasus region since 1991 (unlike many other areas of the former Soviet Union where Russia did not choose to promote its interests, exercise influence or make territorial claims) and has undertaken the role of promoting its own security agenda and interests in the area. Moreover, the region is also part of the American "Greater Middle East" project which wants to promote to the countries of the South Caucasus "sustainable democracies" and market economies (Markedonov 2009: 12, 20 - 21) and in the last years we have seen countries like Georgia and Ukraine openly flirting with NATO.

Ciută (2008) sees in the Black Sea region both a political and a security project being formed after the end of the Cold War, pursued by states, such as Romania, and regional institutional initiatives, such as the Black Sea Economic Cooperation organization (BSEC), the Coalition for Democratic Choice (CDC) and the Black Sea Forum for Dialogue and Partnership (BSF). Seeking to "continue the transformation of European security through internationalisation, institutionalisation and democratisation, in order to avoid repeating in the Black Sea region the Balkan failures of the 1990s" (Ciută op cit: 125), this wider project invites actors such as the EU, NATO and the US to establish a presence in the region. For these actors the region has become an important site where a political confrontation with Russia is taking place and also an important site for the US-led 'war on terror'.

By defining the region's security problems or security assets the regional states and organisations along with the larger international organisations are in essence

constructing the region itself (Ciută op cit: 125 - 127). It is thus not strange that in the last decade researchers have engaged in many discussions concerning the 'Black Sea region'¹. Evidently, in today's world of 'globalisation' and 'neo-liberal capitalism' the stage of the Black Sea seems more fluid than ever.

Still, as we said earlier, what shapes the region depends on the criteria we use. We could consider as 'Black Sea region' only the sea and the six states bordering it – Turkey, Bulgaria, Romania, Ukraine, Russia and Georgia. A broader definition would be to include nearby states that in one way or another play a role in the 'wider' region such as Moldova, Armenia, Azerbaijan and Greece. These states, along with Albania and Serbia, are also members of the Black Sea Economic Cooperation organization (BSEC) – regional cooperation could thus be another way for defining a region. Also, an extended view for the region could take into consideration environmental criteria such as the important waters bodies and extend the region from the Alps to the Urals since great rivers starting from there end up in the Sea (King 2004: 7).

This paper, since it deals with the European Union's immigration agenda and the FRONTEX agency, will follow the view of the EU for the Black Sea region. The Black Sea Synergy 'co-operation initiative' of the Union concerns Armenia, Azerbaijan, Georgia, Moldova, Russia, Turkey and Ukraine, since it views these countries as its 'neighbours' with whom a more substantial co-operation must be realized (BSS 2011). Though there is no such thing as a common "Black Sea identity" for the people of the countries that surround the region (King 2008: 5), the European Union based on its own criteria approaches the wider area as a separate and defined region – a tactic that characterizes all the Union's policies concerning its neighbouring areas. Bulgaria, Romania and Greece, all members of the Union, will also be part of what this paper

¹ For example from the side of EU, before any clear policies were formed by the Union concerning the countries of the region, we can see publications such as "Politics of the Black Sea: Dynamics of Cooperation and Conflict" (2001) and "Europe's Black Sea Dimension" (2002). Other books such as "The wider Black Sea region in the 21st century: strategic, economic, and energy perspectives" (2008), "The Black Sea region: cooperation and security building" (2004) or "The Black Sea region and EU policy: the challenge of divergent agendas" (2010) show that researchers, think-tanks and the international politics stage have focused on the Black Sea region as a place of great importance. The Black Sea Economic Cooperation (BSEC) organisation has also established a research institute based in Athens, the International Center for Black Sea Studies (ICBSS) which "as an independent research and training centre [...] pursues applied, policy-oriented research, builds capacity and promotes knowledge on the Black Sea region both within and outside its boundaries" and "as a related body of the Organisation of the Black Sea Economic Cooperation (BSEC) [...] strives to fulfill in the best possible way its institutional role and the assignments received by carrying out studies, offering policy advice and coordinating activities" (BSEC 2011).

considers the ‘Black Sea region’ and are seen as important countries if we are to examine the immigration phenomenon in the wider region – especially the Greek-Bulgarian-Turkish border is emerging as one of the most important places of EU and FRONTEX activities concerning immigration.

In the Black Sea Synergy initiative (which will be analysed in the next chapter) the European Commission gives its own definition of the ‘Black Sea region’:

The Black Sea region [...] includes Greece, Bulgaria, Romania and Moldova in the west, Ukraine and Russia in the north, Georgia, Armenia and Azerbaijan in the east and Turkey in the south. Though Armenia, Azerbaijan, Moldova and Greece are not littoral states, history, proximity and close ties make them natural regional actors (BSS 2007: 2).



Map 1: The Black Sea region – a map published by the European Commission (Source: “Black Sea Synergy – A New Regional Cooperation Initiative”, Communication from the Commission to the Council and the European Parliament, Brussels, 2007)

The next chapter will focus on EU's stance towards 'irregular' immigration that also applies for the Black Sea region (since after the two enlargements of 2004 and 2007 the external borders of the Union have reached the wider region and the Sea itself) and on the security discourse that the EU has developed towards the countries of the region. This way, before moving on to analyse the role of FRONTEX as an agency and its activity in the wider Black Sea, we will examine the bigger picture that is being formed in the region concerning 'irregular' immigration and security. Thus, the role of FRONTEX in the puzzle of 'irregular' immigration and its activity in the region will become clearer.

IV. EU's immigration policy and the adoption of EU discourse for the Black Sea region

a. EU's stance on 'irregular' immigration

The immigration policy that the EU follows for the Black Sea region is no different than that of any other area it borders (e.g. the Mediterranean and North Africa), since the Union is striving for the implementation of what is called a Common Immigration (or Migration) Policy (CIM) and an Integrated Border Management (IBM) – a defined policy concerning immigration and a set of rules for the management of borders that will apply to all member states (CIM 2008). The Commission acknowledges that “immigration is a reality that needs to be managed effectively” and addresses (and seems to want to convince about) the fact that “in an open Europe without internal borders, no Member State can manage immigration on its own” (CIM op cit: 2). Immigration is seen as a phenomenon that can benefit the EU of “population ageing”, helping with future labour and skill shortages, contribute to EU's prosperity and also “enrich European societies in terms of cultural diversity” (CIM op cit: 3). However, immigration doesn't come without challenges for the EU and these are the successful integration of immigrants and the successful managing of the security issues that according to the EU arise. As the Commission mentions, “this requires fighting illegal immigration and criminal activities related to it, striking the right balance between individual integrity and collective security concerns” (CIM op cit: 3). “Illegal” immigration is thus seen as a security problem for the EU and is mentioned together with criminality, creating even more negative connotations in mind.

EU has taken up a “fight against illegal immigration” in order for the policies on “legal immigration” to be successful and the tools to be used in this fight is a common visa policy, an effective control over the borders (an “integrated border management”), the development of “risk analysis tools”, the use biometrics, a fight against human trafficking and illegal employment and an effective return policy (CIM op cit: 11 - 14). All these methods will ensure “easy access for bona fide travellers and persons in need of protection and keeping Europe open to the world” (CIM op cit: 11). However, one might wonder who are the “bona fide travellers” for the EU and is Europe truly “open to the world”? While the EU is stressing that “all these policies and measures shall fully respect the dignity, fundamental rights and freedoms of the persons concerned” (CIM op cit: 11), researchers, media and civil society organisations in Europe raise serious

concerns regarding the respect of human rights of immigrants and also point out a disturbing turn towards the strengthening of EU's security agenda.

The beginnings of the Common Immigration Policy of EU can be traced back in the establishment of the Schengen Agreement in 1985, signed by five members of the then European Economic Community (Belgium, France, Luxembourg, Netherlands and West Germany), which five years later, in 1990, resulted in the Schengen *acquis*. The aim of the agreement was the abolition of border controls between the member states and thus the creation of an area of "free movement of persons, goods and services" (OJEC 2000: 13). At the same time, this meant that external borders had to be managed more effectively, since entrance to one country would also mean free passage to the rest, and a set of detailed rules was established regarding the policing and surveillance of the borders. The Single European Act (1986) and the Maastricht Treaty (1992) pushed the European integration process and the creation of the internal Single Market between the member states further and created the European Union – the issue of immigration was then incorporated in the third intergovernmental pillar of Justice and Home Affairs (later named Police and Judicial Co-operation in Criminal Matters).

The Amsterdam Treaty of 1997 (coming into force in 1999) and the Tampere European Council of 1999 were the initiators of the political and legal framework that would form the "Area of Freedom, Security and Justice" (AFSJ) in the European Union. This framework was mostly based on the Schengen *acquis* – this is actually when the agreement was incorporated in the EU legal framework and the issue of immigration, asylum and free movement was transferred to the first pillar, that of the European Communities, where the Commission has more influence. (EU legislation 2011, Jorjy 2007: 3 - 4, Svantensson 2010: 5) As Jorjy (op cit: 4) points out, "the Schengen *acquis* is the core source of any relevant EU border management".

In the Schengen Catalogue of 2002 we can see what the agreement sees as a successful "Integrated border security model". It is a border model that will "safeguard internal security and in particular prevent illegal immigration" (Schengen Catalogue 2002: 11). It identifies four different tiers, four different aspects of the model. These are:

- 1) Activities in third countries, especially in countries of origin and transit, including the collection of information by liaison officers as well as the key role of the consular post abroad in the process of issuing visas

- 2) International border cooperation
- 3) Measures at external borders: border management (border checks and border surveillance)
- 4) Further activities inside the territory of the Schengen States and between Schengen States

(source: Schengen Catalogue 2002: 11)

We can see from these four tiers that the EU, through the Schengen *acquis*, is employing its border-security strategy in four different levels: beyond the borders of the Union (1), across the border in cooperation with other international actors (2), at the border (3) and in the interior (4).

The Hague Programme of 2004 was the first road map that followed and its aim was that of “Strengthening Freedom, Security and Justice” in the EU. The document recognizes the results that have been achieved in the issue of “common asylum and immigration policy”, “harmonization of border controls” and “police cooperation” but also recognizes that security in the EU “has acquired a new urgency, especially in the light of the terrorist attacks in the United States on 11 September 2001 and in Madrid on 11 March 2004” (Hague Programme 2004: 1)¹. Under the section of “Strengthening Freedom” the document deals a lot with border control, asylum, illegal employment and “the fight against illegal immigration” (Hague Programme op cit: 6). It recognizes the need for the EU to cooperate with third countries (of “origin” or “transit”) in order to prevent “illegal immigration” to the Union or to arrange return operations, the need for strengthening border checks and the use of biometrics and information systems (Schengen Information System – SIS II, Visa Information System - VIS, EURODAC) and the need for a common visa policy (Hague Programme op cit: 5 - 7)

¹ As key security threats the EU recognizes “terrorism”, “proliferation of weapons of mass destruction”, “regional conflicts”, “state failure” and “organised crime”. The European Security Strategy of 2003 is a comprehensive EU policy paper for what the Union considers as “threats” to its security (ESS 2003: 3-4). The policy was renewed with a new document in 2010, where the key threats mentioned are “terrorism”, “serious and organised crime”, “cyber-crime”, “cross-border crime”, “violence itself”, “natural and man-made disasters”, “other common phenomena” (such as “road traffic accidents”) (ESS 2010: 5-6). While the word ‘immigration’ is nowhere to be found in the 2003 paper, in the recent document there is a reference of “tackling illegal immigration” under the “Integrated Border Management” (IBM) title in the “Strategic guidelines for action” section. EUROSUR and FRONTEX are also mentioned as important tools for the implementation of IBM, as well as the Visa Code, the Schengen Information System and cooperation with third countries (ESS op cit: 14-15).

The Stockholm Programme of 2009, the next road map of the EU for the AFSJ for the years 2010 – 2015, is moving towards the same direction, pushing further the agenda of a Global Approach to Migration, calling for the establishment of a Common European Asylum System (CEAS) by 2012 and a common data gathering system and dealing also with other aspects of immigration such as ‘unaccompanied minors’ (Stockholm Programme 2009).

It seems that through the years, immigration has become one of the most important issues/problems for the political powers of the EU. Researchers point out a gradual strengthening of the control of borders, in terms of policing, checks and surveillance and the gradual use of the practice of the “externalization” of the border – meaning the expanding of control and surveillance of migration flows beyond the external borders of the Union with the aim of preventing immigrants from even reaching the borders (Carrera 2007: 2). It is also striking that this expanding agenda of the securitization of immigration is conducted in the name of the ‘freedom’ of the EU citizens.

Didier Bigo (2006: 36), in an insightful analysis of the Hague Programme document, points out that in the name of “freedom” (which mainly means freedom of movement inside the EU for the citizens of the member states) surveillance has been strengthened in the issues of asylum, migration and border policy, integration of third country nationals inside the EU and return and detention of immigrants. As he puts it:

“But what is perhaps more interesting is that after the point 1.1 on citizenship of the Union, all the other paragraphs of this part concerning freedom are about limits, interdictions, policing at a distance, controlling by remote control and even detaining and punishing others at a distance” (Bigo op cit: 36).

In order for ‘freedom’ to exist in the area of the EU, intruders have to be controlled and sent away and thus, ‘freedom’ becomes “a tool for maximising security” (Bigo op cit: 36).

Carrera and Merlino (2009) have also pointed out the fact that in forming its migration policies the EU seems to neglect all the social science research that is conducted all these years concerning migration (a research many times funded by the EU

itself) and instead “persists in advocating migration control policies that give rise to multiple ethical and fundamental human rights dilemmas within the EU and outside it” (Carrera and Merlino 2009: 32).

b. EU’s policy and discourse towards the Black Sea countries

For the Black Sea region, the Commission, in a document named “Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union” specifically mentions: “In promoting a comprehensive approach to migration, the Black Sea region is of particular importance in terms of transit migration and trafficking” (GAM East 2007: 8). It calls for a co-operation between the EU member states with the EU agencies such as FRONTEX and Europol and other regional organisations such as the BSEC and the countries of the region. Information sharing is deemed as important and control and surveillance on the borders must be efficient. Activities mentioned can be training of law enforcement officials, cooperation with FRONTEX and also issues of “social protection” like “training of officials for labour matters” and “rehabilitation of victims of trafficking” (GAM East op cit: 8).

In the same document, the Commission tries to assess the ‘flows’ of ‘irregular’ immigration from its eastern and south-eastern border and mentions that these are different than the ones from Africa. Their characteristics are that they are constant (no seasonal cycle), more often and diffused (many entry points and many people entering with VISA but overstaying) and controlled by networks of organised crime. The document points out that the ‘migratory flows’ are difficult to be assessed and difficult to manage, especially since the shifting of the border more towards the east, to countries such as Ukraine, Moldova and a sea connection with the Caucasus region. The end of the 90s is considered a peak to the flows and the number of people from the neighbouring countries moving towards the EU has now come to be stable but at the same time an increase of flows from Asia is predicted (GAM East op cit: 72). Russia is also seen as a possible country of transit for people from south-east Asia, China and Afghanistan and co-operation with the country is deemed important (GAM East op cit: 10).

It is obvious that the Black Sea region is considered by the Commission as an important place for EU’s security since it views the region as a source or place of transit of various ‘threats’ such as “illegal immigration” and “organised crime”. It is part of EU’s south-eastern border and it must be controlled efficiently. The following part, by

examining the Black Sea Synergy initiative, tries to unveil EU's security discourse for the region.

Concerning the Black Sea region, there is ample evidence that the interest of the EU for the region is fairly recent – at least in terms of formulating a distinct and clear policy towards the 'Black Sea countries'. The EU has of course a longer presence in the region that dates back to the 90s and can be traced in the support of environmental programs such as the Black Sea Environmental Project (BSEP), infrastructure programs such as the Transport Corridor Europe-Caucasus-Asia (TRACECA) and energy programs such as the Interstate Oil and Gas Transport to Europe (INOGATE) (Adams, Emerson, Mee & Vahl 2002: 6 - 7). Those programs however, are programs of economic and technical nature and have as a clear goal to secure and promote the Union's interests.

The idea of formulating a distinct policy concerning the Black Sea countries, since it became clear to the EU that the political and social circumstances of the region affect the Union as well, was introduced by the European Neighbourhood Policy (ENP) in 2004 – the date which also signifies the biggest EU enlargement with ten new members entering and the borders of the Union changing significantly and moving to the east. The ENP was developed as a bilateral policy between the EU and the neighbouring countries. The first papers published by the European Commission (EC) regarding the ENP talk in general about all the southern and eastern partners of the Union. The Black Sea is mentioned only once in the ENP Strategy Paper of 2004 in the context of the Black Sea Economic Cooperation (BSEC) organisation as a potential partner (ENP 2003, ENP 2004: 21).

Since then the ENP has evolved and according to the website of the program it has been "enriched with regional and multilateral co-operation initiatives" (ENP website 2011). These regional and multilateral initiatives are the Union for the Mediterranean (which is the evolvement of the Barcelona Process), the Black Sea Synergy (BSS) and the Eastern Partnership (EaP). The BSS initiative is taken as an example in order to examine and analyse the normative discourse that the EU has developed for the Black Sea region¹.

¹ It must be noted that when we examine a policy paper such as the Black Sea Synergy we analyse the discourse and rhetoric of the EU – if this rhetoric is actually implemented in practice is another issue that could also be a subject for further research, especially in a cooperation initiative such as the BSS which touches on so many sectors of cooperation. However, in the case of immigration we can consider the workings of FRONTEX and the sealing of agreements by the agency with third countries as an aspect of the rhetoric being implemented in practice.

On January 2007, when Bulgaria and Romania officially entered the EU and the borders of the Union had reached the Black Sea, it was clear for the EU that a more substantial policy had to be formulated regarding the region. On April 2007 this resulted in the publication of a policy document by the Commission entitled “Black Sea Synergy – A New Regional Initiative” (Emerson 2008: 253, BSS 2007)¹. This paper was the result of a fairly slow process and major interest for cooperation was expressed mainly by the BSEC. In fact, it can be argued that at times the EU was ignoring or taking a very careful stance towards its involvement in the region, denying offers to become an observer in the organisation (Tsantoulis 2008: 13 - 15, Emerson op cit: 253).

In the BSS initiative the European Commission describes the Black Sea region as a “distinct geographical area rich in natural resources and strategically located at the junction of Europe, Central Asia and the Middle East” (BSS 2007: 2). It sees the region as an “expanding market” and a place of “opportunities” but also as a place of “challenges”, “unresolved frozen conflicts”, with “environmental problems” and “insufficient border controls thus encouraging illegal migration and organised crime” (BSS op cit: 2). The Commission also makes clear that the BSS will not propose an “independent Black Sea strategy”, since the EU policy towards the region is outlined by different independent policies such as the pre-accession strategy with Turkey, the Strategic Partnership with Russia² and the European Neighbourhood Policy which

¹ It must be noted that in the case of the Black Sea Synergy, when talking about a multilateral cooperation between EU and the Black Sea countries the EU “is coming into a pre-existing structure” (Emerson 2008: 259). This is of course the Black Sea Economic Cooperation (BSEC) organisation, founded in 1992, which since then has developed ministerial councils, chairmanship, permanent secretariat and other related bodies and centres such as a parliamentary assembly, a development bank and a research institution (BSEC 2011). With the Black Sea Synergy initiative the EU and BSEC have decided to cooperate in various levels but the EU has made it clear that the BSEC won’t monopolize the Union’s relationship with the region in case other organisations or initiatives appear. We must also note that from the Black Sea countries Russia is not taking part in the ENP process since it prefers to deal with the EU alone and so a Strategic Partnership has been developed. Turkey also, since it deals with the EU in a pre-accession mechanism, cooperates with the Union in a different context. However, both countries are part of the BSEC organisation and thus deal with the EU also under the umbrella of the Black Sea Synergy.

² Moscow’s and EU’s interests are in not every field the same. The diversification of energy sources that the EU seeks is in opposition to Russia’s will and so is the involvement of the EU in conflict resolution in the Black Sea region. This makes EU’s position difficult and we can see that the Union is caught between a game of not disappointing Russia, because it is considered an important and powerful actor that should be kept close, and at the same time raising claims and strongly disagreeing with some of Russia’s actions. A good example of this situation is the case of NATO enlargement in Ukraine and Georgia, where Germany and France voiced their strong opposition because they knew that this will lead to significant problems in the EU – Russian relationship. On the other hand, in the “five day war” of August 2008 EU criticized Russia for

promotes bilateral cooperation with the neighbouring states. So the purpose of the BSS is to promote “cooperation within the Black Sea region and also between the region as a whole and the European Union” (BSS op cit: 3).

The Commission proposes a long list of “issues and cooperation sectors which reflect common priorities and where EU presence and support is already significant” (BSS op cit: 3). These fields of cooperation and challenges to be met are the following: 1) Democracy, respect for human rights and good governance, 2) Managing movement and improving security, 3) The “frozen” conflicts, 4) Energy, 5) Transport, 6) Environment, 7) Maritime Policy, 8) Fisheries, 9) Trade, 10) Research and Education Networks, 11) Science and Technology (S&T), 12) Employment and social affairs and 13) Regional Development.

In the first cooperation area (Democracy, respect for human rights and good governance) the document mentions the “standards on human rights and democracy” that have been set by the Council of Europe and by OSCE (Organization for Security and Co-operation in Europe) “which apply to all Black Sea states” (BSS op cit: 3). As the Commission suggests, initiatives that have been taken from regional organisations to promote these values should be supported by the EU. It is thus obvious that the Black Sea region is perceived as a place where the EU’s values are lacking and that is the reason why they should be exported and implemented.

Under section 3.2 (Managing movement and improving security), the Commission calls for a better “border management and customs cooperation in regional level” which will increase security, help fight cross-border crime (trafficking of human beings, arms and drugs) and will also prevent and manage “irregular migration”¹. The next paragraph mentions that “Important illegal migration routes run through the Black Sea region, making regional cooperation on these issues particularly relevant” (BSS op cit: 4). Immigration is thus considered a security threat for the EU and is put in the same category as issues of cross-border crime. The source of this threat is the Black Sea countries and the EU needs to be protected from it. “Co-operation” thus seems to mean only ways for the EU to secure its own interests and “area of freedom”. The next part

engaging in a war outside its own territory (Nilsson 2008: 27, 36-37, IIFMCG-CEIIG 2009: 23-26).

¹ It is interesting that in this paragraph migration is characterized “irregular” but a few lines below the term “illegal” is used.

(3.3) concerns “frozen conflicts”¹, another factor that according to the document distabilises the region and thus contributes to EU’s insecurity.

Energy is also of “strategic importance for the EU” (BSS op cit: 4). As it is stated in the document, the EU is striving for diversification of its energy supplies – and this means ways for the EU to not be depended by Russian supplies of energy, since a big part of them comes from there (Nilsson 2008: 27 - 29). So, in spite of the region being a source of threats for the EU it also offers many potential benefits that must be harvested.

Initiatives such as the Black Sea Synergy and the European Neighbourhood Policy in general have been criticized by analysts as policies that aim at compensating the neighbouring countries since they are not offered a clear membership prospect (Cichocki 2010: 25 - 26, Emerson 2008: 269 - 270). It is clear from the examples above that the Black Sea region is seen by the EU as a place that needs to be ‘Europeanised’ and brought closer to EU’s values and norms, closer to ‘civilisation’. The region is a source of threats for the Union but also a place of opportunities and that is why it must be stabilized, so that the EU won’t be affected by events that have an impact in its own territory, in its ‘internal security’, such as regional conflicts, organised crime and ‘irregular’ immigration, and thus be able to promote its own interests in the area, such as its energy agenda.

The Black Sea region is thus constructed by the EU as its south-eastern frontier. The policies of the Union seem rather ambiguous since the neighbours are seen as sources of threats that must be kept out but also as partners with whom cooperation in various levels must be accomplished and as a place of economic opportunities for the EU. ‘Irregular’ immigration from the region is seen as one of these threats that must be controlled and surveyed, also in cooperation with the Black Sea countries and regional actors, in order for Europe’s security to be preserved. Thus, the EU deploys various ways in order to control immigration in its south-eastern border, either by developing policies and sealing agreements with the countries of the region in a bilateral or a multi-lateral level, or by taking advantage of its own security professionals that are given the task to assess the ‘risks’ that are threatening the EU and the task to control and manage the border in practice.

The next chapter will look closer at one of the most important EU agencies that have been given the task to manage the borders of the Union and assess the ‘dangers’

¹ The conflicts in Transnistria, Abkhazia, South Ossetia and Nagorno-Karabakh.

that are coming from the exterior, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, or FRONTEX in short (from French: Frontières extérieures for ‘external borders’), and also the agency’s activity in the Black Sea region.

V. The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union - *FRONTEX*

a. Establishment

In the beginnings of the 2000s talks about the creation of a European Border Guard or Police were emerging inside the EU. It wasn't however clear if such an idea was feasible. What was clear was that the EU was seeking for a way to promote an integrated border management policy and a way to harmonize the actions of all the different member states on the issue of border control. So, despite the fact that it was not certain if the idea for a European Border Guard would be implemented, member states seemed to agree to some preliminary steps that had to be taken regarding border management (EU Committee 2008: 22).

Neal (2009) mentions that the new developments were connected with the terrorist attacks of 9/11 in the United States. The response of the EU to the attacks was securitizing moves that made connections between terrorism, security, migration and borders. EU institutions were calling for a better external border control, for the importance of solidarity between the member states in tackling the issues and stressing the dangers that come from the 'outside' (Neal op cit: 338 - 339). However, those moves mostly happened in the final months of 2001 and Neal (op cit: 340) points out that "the logic of securitization did not continue as one might have anticipated". A rather usual dynamic of EU politics took place between 2001 and 2003 characterized by negotiations and compromise between the Commission and the Council and the member states within the Council. Those talks brought up the proposition for the European Border Guard, as mentioned earlier, which was not finally implemented but created the basis for the creation of FRONTEX (although the form that the agency would eventually take was not the same as the form of the border guard or police that was discussed). Thus, the 'urgency' that characterized EU's response to 9/11 was lost in the following years, substituted by bureaucracy and a lack of efficient operational progress (Neal op cit: 340 - 342).

The Greek presidency of 2003 was the one to bring up again the issue of an institution for the border management. In the EU summit of 2003 in Thessaloniki, Greece, the European Council stressed "the necessity of creating new institutional

mechanisms, including the possible creation of a Community operational structure, in order to enhance operational co-operation for the management of external borders” (EU Committee 2008: 22). Then, in November, the Commission would put forward a proposal for a council regulation for the establishment of a “European agency for the management of operational cooperation at the external borders” (European Commission 2003: 13).

In a year from that moment (specifically on 26 October 2004), FRONTEX would be established. According to the Council Regulation that acted as the foundation of the agency, the Treaty establishing the European Community is the basis for FRONTEX’ foundation and particularly the Articles 62(2)(a) and 66 (found under the chapter “Visas, asylum, immigration and other policies related to free movement of persons”), concerning standards that should be established for the checks on the external borders and cooperation between member states relevant to migration issues (Regulation (EC) No 2007/2004: 1, OJEC 2002: 57 - 60). Thus, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union was established, “with a view to improving the integrated management of the external borders of the Member States of the European Union” (Regulation (EC) No 2007/2004: 3). It must also be noted that the year 2004 was also the year of the biggest EU enlargement, in terms of territory, number of states and population, when ten new states entered the Union¹. As a result the external borders of EU would move significantly towards the east.

The regulation regarding FRONTEX mentions that the responsibility for the control and surveillance of the external borders lies with the member states and that the agency’s work will be to facilitate and make more effective the implementation of EU’s measures by coordinating the actions of the member states, by providing technical support and expertise in the management of the borders and by promoting solidarity between the member states (op cit: 3). Article 28 (“Transparency and communication”) also states that the agency should ensure that “the public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its work” (op cit: 9). A general report should also be published every year regarding its work (op cit: 6). The regulation also outlines the tasks, structure and financial requirements regarding the agency, all of which will be examined in detail below.

¹ These states were Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. Bulgaria and Romania were unable to enter in 2004 but did in 2007 in the fifth enlargement and the south-eastern border of EU reached the Black Sea.

b. Mission and Tasks

On April 2005 the Council decided that the seat of FRONTEX should be at Warsaw (OJEC 2005). The agency took up its responsibilities on 1 May 2005 (like Article 34 of the Council Regulation had stated). On 25 May General (then Colonel) Ilkka Laitinen was appointed as Executive Director, and on October 3, 2005 the agency became operational (EU Committee 2008: 22 - 23). Laitinen has been working in the Finnish Border Guard for many years where he acquired his rank. He started his career in 1982 when the country still bordered the USSR (Finnish Ministry of Interior 2011).

The agency's website states that its purpose is the following: "Coordination of intelligence driven operational cooperation at EU level to strengthen security at external borders" (FRONTEX 2011b)¹. FRONTEX' activities are based on the Integrated Border Security Model and its four tiers (discussed earlier in the concept of Schengen). It is stated that its key role is to *coordinate* and *enhance* border security between the member states but it is stressed that "responsibility for the control of external borders of the Member States of the European Union still lies with the Member States" (op cit).

According to the agency's founding regulation (Regulation (EC) No 2007/2004: 4), FRONTEX' tasks are:

- a) coordinate operational cooperation between Member States in the field of management of external borders
- b) assist Member States on training of national border guards, including the establishment of common training standards
- c) carry out risk analyses
- d) follow up on the development of research relevant for the control and surveillance of external borders

¹ The full Mission Statement of FRONTEX is as follows:

- Frontex strengthens the freedom and the security of the citizens of the EU by complementing the national border management systems of the Member States
- Frontex is a trustworthy operational European coordinator and contributor which is fully respected and supported by the Member States and external partners
- Frontex actively promotes the cooperation among border related law enforcement bodies responsible for the internal security at EU level
- Frontex operational activities are intelligence driven. The effectiveness of Frontex is based on its highly motivated and professional personnel. In return, Frontex will strengthen its status as a competitive employer
- Frontex is a key player in the implementation of the concept of EU Integrated Border Management

(source: FRONTEX 2011b)

- e) assist Member States in circumstances requiring increased technical and operational assistance at external borders
- f) provide Member States with the necessary support in organising joint return operations

Evidently, the agency's tasks are various. It is stressed that FRONTEX "is an intelligence-driven agency whose core activity is operations, the first stage of which is **risk analysis**" (emphasis added) (FRONTEX 2011a). This means that the agency gathers information from a wide spectrum of sources such as institutions of member and non-member states or other EU institutions, academic publications and the press, in order to assess the situation in the borders of the Union (and beyond) and decide what the possible "threats" for the EU are and from where they might come.

FRONTEX also coordinates **joint operations** with member states and other actors in order to ensure the control, surveillance and security of the external borders. These operations are based on the risk analyses that the institution has produced and are conducted in cooperation with the member states after an agreement has been met (FRONTEX 2011a).

For the **training of border guards**, in order for the common training standards to be achieved, the agency has established a Common Core Curriculum taught throughout the EU in various academies. A middle and high level curriculum are also being developed (op cit).

Research and development is seen as important for the agency and although it doesn't itself carry out technical research it provides "a platform through which Europe's 400,000 border guard personnel and the world of industry can meet and discuss needs and possible solutions" (op cit).

For assisting the member states "in circumstances requiring increased technical and operational assistance at external borders" (as mentioned in the tasks) the agency has also developed teams to be used in "crisis situations at the external borders" the so called **Rapid Border Intervention Teams** (RABITs). They are supposed to be used when "circumstances are urgent and exceptional" such as "a major humanitarian crisis or natural disaster" that the border control mechanisms of the member states cannot handle (op cit).

Moreover, the agency assists member states and Schengen members in **return operations** of 'irregular' migrants that have been found to be staying illegally in a

country. They then must be sent to the country of their origin and FRONTEX states that its role is to coordinate these operations in order “to ensure that humanitarian standards are met and to maximise efficiency and cost-effectiveness in joint return operations” (op cit).

FRONTEX also states that it **cooperates with various other EU security institutions** such as EUROPOL, CEPOL, customs, phytosanitary and veterinary control mechanisms and other “border-related law enforcement bodies” (op cit). Another important aspect of the agency’s tasks is to achieve **agreements and cooperation with third countries** “that share common goals with the EU in terms of border security” (op cit). This is the official mission of FRONTEX according to its website and founding regulation. The chapters below will examine the agency’s structure, budget, resources and tools used to fulfill its mission.

c. Structure

FRONTEX is a Community body and has legal personality and also operational and budgetary autonomy (FRONTEX 2011b). It is also independent in relation to technical matters and represented by its Executive Director (Regulation (EC) No 2007/2004: 6).

As we can see from its structure chart below, the agency is composed by three main divisions which are responsible for different departments each. The divisions are directly connected to the agency’s tasks that were presented earlier.

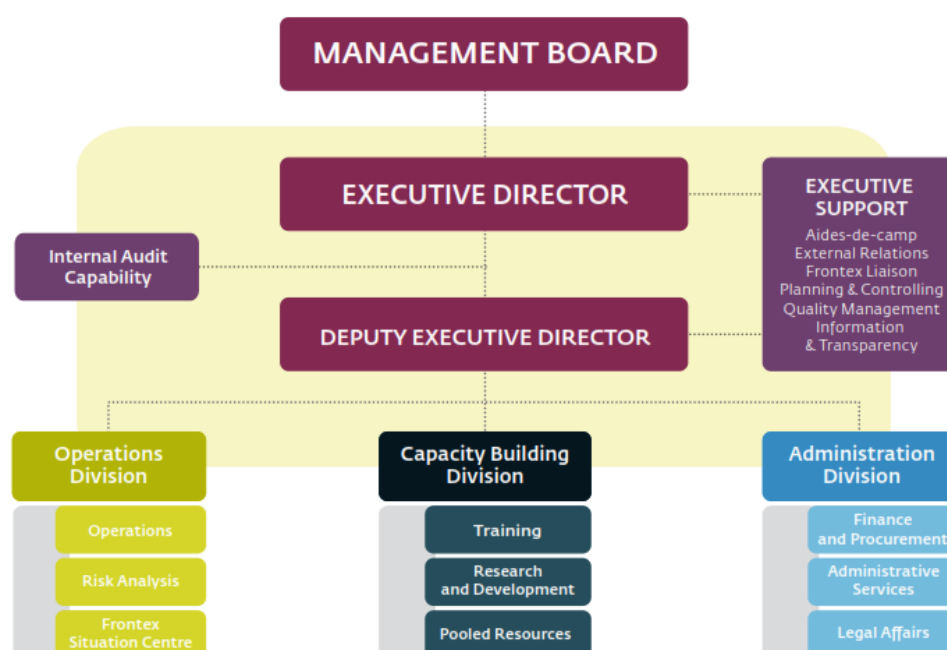


Figure 1:
FRONTEX’
structure

(Source:
FRONTEX
Press Pack
2011)

Its Management Board is composed by one representative of each member state and two representatives from the Commission. Their duration of office is four years and it is extendable once. As the regulation states, “The Board should, where possible, consist of the operational heads of the national services responsible for border guard management or their representatives” (op cit: 2). Countries of the Schengen Area but non-EU members also contribute a representative to the board (namely Norway and Iceland) but have limited voting rights (the other members have one vote and the Executive Director does not vote). United Kingdom and Ireland since they are not part of the Schengen *acquis* don’t have a representative but cooperation between the two countries and FRONTEX seems feasible and they can also attend the meetings of the board (op cit: 3, 7 - 8).

The Management Board appoints the Executive Director after a proposal from the Commission. It also adopts an annual report of the agency, establishes its Rules of Procedure and the organizational structure of the Agency, adopts its staffing policy, establishes the budget, verifies its execution, adopts the appropriate financial rules, and establishes transparent working procedures for decision making (Regulation (EC) No 2007/2004: 2, 6 - 7).

Concerning the powers of its Executive Director the regulation states that he/she is to be “completely independent in the performance of his/her duties” (op cit: 8). It is also stated that the director should not seek or take instructions from governments or any other institution and is accountable to the Management Board. His/her duties are among other to implement the decisions of the board, to prepare an annual draft working programme and an activity report for the board. Probably most importantly however, he/she is responsible for setting the strategic objectives of the agency and for establishing cooperation and contact with the authorities of the member states, the Commission, the Council, the Parliament and other bodies of the EU, third countries, international organisations and representing the agency in the media (FRONTEX 2011d).

d. Budget

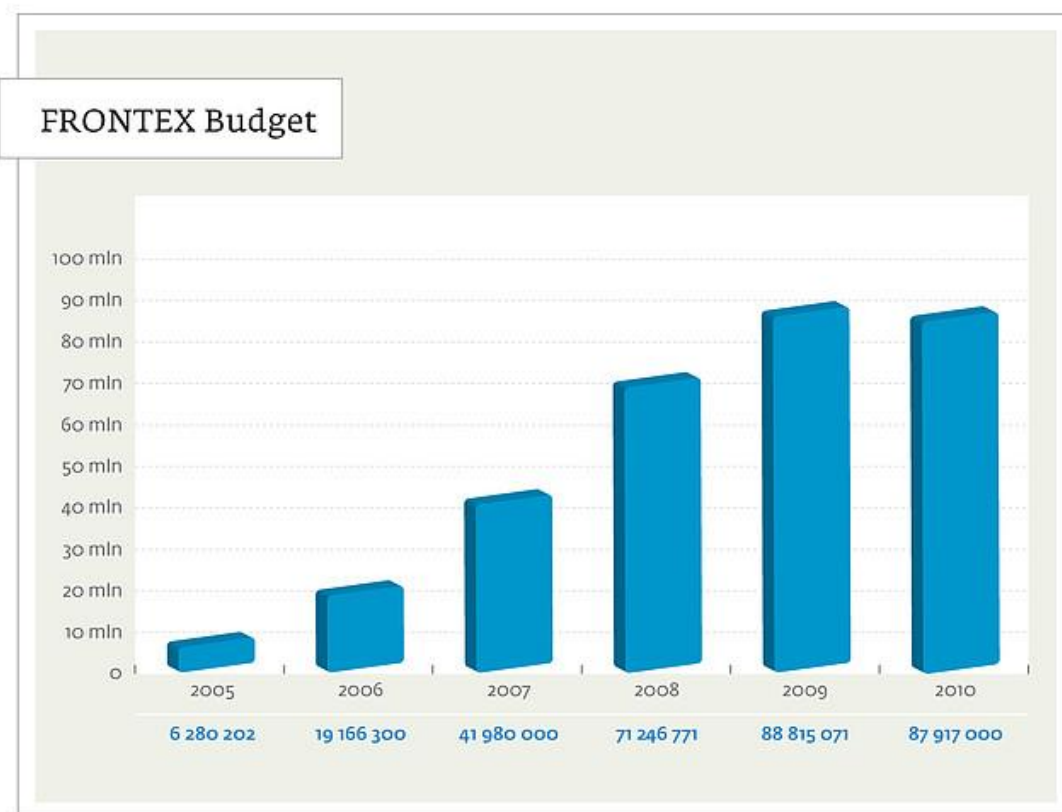
As mentioned earlier FRONTEX is a budgetary autonomous agency. Its revenues come from the general budget of the EU, contributions by the countries that participate in the Schengen *acquis*, fees for provided services and any voluntary

contributions from the member states. The expenditure of the agency includes expenses for the staff, administration, infrastructure and operations (Regulation (EC) No 2007/2004: 9).

According to the 2005 Annual Report (AR), during its first year of operation FRONTEX was not financially autonomous since the Commission was responsible for the implementation of the budget. Also, the budget of 2005 covered only administrative expenses and payments of the staff (FRONTEX AR 2005: 4). In 2006 the authority for the implementation of the budget was divided: the agency was responsible for expenses regarding operational tasks, risk analysis, training and research and development and officials from Brussels DG JLS (Directorate-General for Justice, Freedom and Security) authorised the budget for staff and administrative expenses. However, on 1 October 2006 the agency was granted financial autonomy (FRONTEX AR 2006: 20 - 21).

The chart below displays the increase of FRONTEX' budget from 2005 to 2010 (from 6.2 million Euros in 2005 to almost 88 million in 2010).

Figure 2: FRONTEX' budget



(Source: http://www.frontex.europa.eu/budget_and_finance/)

Evidently, the rapid growth of the agency's budget reveals that the EU is considering the institution as one of its most important tools for the management of the external borders. Looking at the detailed budget reports from all the years since 2006 onwards it is evident that the biggest amount of money is spent on operational activities. 2010 annual report states that 70% of the year's budget was used for operations, 17% for staff expenses and 13% for administrative needs. 46% of the operations budget was for operation at sea (that is the Mediterranean Sea), 14% for return operations, 10,3% for land border operations, 8,7% for training and the rest for the other tasks (FRONTEX AR 2010: 22).

e. Staff

Regarding its staff, FRONTEX' website states that it consists of "seconded national experts, temporary, auxiliary and contract staff" (FRONTEX 2011b). The 2011 Programme of Work gives a detailed picture of the agency's staff¹:

Figure 3: FRONTEX' staff

		2010	2011
Human Re-sources	TA	143	143
	CA	79	79
	SNE	76	76
	SUM	298	298

(Source: FRONTEX PW 2011: 17)

In the end 2005, when the agency first began its work, the staff number was 45 (FRONTEX AR 2005: 3). It is obvious from the numbers that many employees of the agency are not permanent. Moreover, Seconded National Experts (SNE) are "national or international civil servants or persons employed in the private sector" hired to work temporarily for FRONTEX (FRONTEX 2011e). These employees are still employed by their home countries during their secondments (COWI Report 2009: 24).

¹ TA stands for Temporary Agents, CA for Contract Agents and SNE for Seconded National Experts.

f. Tools

As mentioned earlier one the main purposes of FRONTEX is to develop the so-called risk analyses. A great amount of its work is based on what these risk analyses conclude. The purpose of them is “to provide the Community and the Member States with adequate information to allow for appropriate measures to be taken or to tackle identified threats and risks with a view to improving the integrated management of external borders” (Regulation (EC) No 2007/2004: 1).

Risk analyses are the job of the agency’s **Risk Analysis Unit (RAU)** which uses the so-called Common Integrated Risk Analysis Model (CIRAM) – a model that was developed by a European Council expert Group in 2002 and was updated by FRONTEX in 2007. There are long term (18 months ahead) and short term risk analyses in the form of an Annual Risk Analysis (ARA) as well as operational short term risk analysis. If the analyses show that there is a need for a Joint Operation then a recommendation for it is issued. There are also Tailored Risk Analyses (TRA) done for specific ‘problems’ and countries – for example a TRA was conducted in order to assess the “situation regarding illegal immigration from China to EU” (FRONTEX AR 2007: 42). In order for the analyses to be circulated and a sufficient communication to be realized between the agency, the member states and the Schengen associated countries the FRONTEX Risk Analysis Network (FRAN) has been developed for exchanging information (COWI Report 2009: 46 - 47). The agency also co-operates with other institutions in order to develop risk assessments, such as Europol – the two agencies for example developed a joint report on “Determination of High Risk Routes Regarding Illegal Migration in the Western Balkan Countries” (Léonard 2011: 22).

FRONTEX has also developed the **Centralised Record of Available Technical Equipment (CRATE)**. The record lists the items that the agency has in its disposal for surveillance and control. These items belong “to Member States of the European Union, which they on voluntary basis and upon request from another Member States are willing to put at the disposal of that Member State for a temporary period” (FRONTEX 2011g). The agency reported in 2010 that it has in its disposal 26 helicopters, 22 light aircraft, 113 vessels and 476 items of technical equipment such as mobile radars units, vehicles, thermal cameras, CO₂ gauges, heartbeat and passive mm-wavelength detectors that can be deployed in an operation if a member state desires so (FRONTEX 2010: 12).

One of the agency's main tools, that is a direct product of the risk analyses and facilitated by the CRATE system, are the Joint Operations with member states' authorities at the external borders. In these operations, border guards and technical equipment are deployed to survey the borders for a certain period of time (that can be air, land and sea borders) thus forming a **Joint Operation Unit (JOU)**. Joint Operations can also be proposed by the member states. Most of the agency's budget goes for these operations. In these operations FRONTEX has stated that its role is that of a coordinator of the actions of the members participating and that responsibility for the control of the borders remains to the respective member states (FRONTEX 2011h, Léonard 2011: 16 - 17).

Moreover, in May 2007 FRONTEX launched its **European Patrols Network (EPN)**. The EPN unites the members of the agency's operational branch regarding the surveillance of its maritime border (for the time being mostly the southern border). It is in essence a system for sharing information and coordinating the patrolling of the sea by the different member states (namely Portugal, Spain, France, Italy, Slovenia, Malta, Greece and Cyprus) more effectively (FRONTEX 2011f).

Another tool of the agency is the **Rapid Border Intervention Teams (RABITs)** deployed as mentioned earlier when a member state is facing a situation 'that it cannot control'. These teams were established by a regulation in 2007 that justified their creation by stating that the current potential of providing assistance to member states is limited, "in particular where Member States are faced with the arrival of large numbers of third-country nationals trying to enter the territory of the Member States illegally" (Regulation (EC) No 863 2007: 1). The first RABIT team to be deployed was in 2010 in the Greek-Turkish land border (FRONTEX RABIT 2010: 1).

Along with the JOU and RAU, FRONTEX created in 2009 another unit called the **FRONTEX Situation Centre (FSC)**. Its job is to monitor the situation at the external borders of the EU, monitor media and exchange information and thus provide a short term picture of the situation at the borders. The goal is that "when a situation becomes critical and needs a high level of attention, a 24/7 emergency response mechanism is to be initiated with the involvement of internal and external partners" (FRONTEX AR 2008: 18, FRONTEX AR 2009: 16 -17).

g. New FRONTEX Regulation

On 13 September of 2011 the European Parliament adopted a proposal from the Commission regarding the strengthening of FRONTEX. More equipment and personnel are to be given to FRONTEX since EU officials seem to think that operational cooperation could be improved and that border patrol operations must be better coordinated. FRONTEX will thus be deploying European Border Guard Teams in the future. “These teams will consist of national border guards assigned or seconded by Member States” (EC Press Release 2011: 1). The agency’s cooperation with third countries will also be strengthened and provide them with technical assistance. Since much criticism has been voiced against human rights violations during FRONTEX’ operations the agency will also create a Fundamental Rights Officer who will “assist in matters having implications for fundamental rights” and a Consultative Forum on Fundamental Rights which will involve “relevant international organisations and NGOs” (op cit)¹.

Observing the development of the agency from its creation to the latest strengthening of its role we can conclude that FRONTEX is the main tool that the EU relies on when it comes to implementing its Integrated Border Management policy. The agency’s tasks are numerous and its budget has increased rapidly. However, since FRONTEX operates in the political framework of the EU it cannot be argued that it has unlimited power and independence of operation since agreements with the member states have to be concluded in order for operations at the borders and the airports to take place. Also, FRONTEX is stressing often that responsibility for the control and surveillance of the external borders lies with the member states and that its role is that of a facilitator and coordinator. Since EU itself comprises of different member states that are sovereign and independent in many aspects but at the same time belonging to a

¹ Specifically, the press release states that the new regulation “seeks to clarify and enhance the role of Frontex by:

- Ensuring the availability of technical equipment for joint operations
- Ensuring the availability of qualified border guards for joint operations
- Ensuring efficient coordination, implementation and evaluation of joint operations
- Ensuring efficient cooperation between Frontex and third countries on border management
- Improving the efficiency of joint return operations
- Improving the evaluation of the performance of Member States in the area of border management”

(EC Press Release 2011: 2)

supranational entity which wants to harmonize and integrate common policies, an agency such as FRONTEX must be cautious so as not threaten the sovereignty of the member states and seem like it can decide on its own about the actions that need to be taken regarding the issue of border controls and immigration.

What is certain in its role though, is that the agency has emerged as one of the most important actors in EU's 'security field'. Its security professionals, through their risk analyses, are those that decide and warn the states of EU about the 'threats' and 'dangers' that need to be faced, from where these 'dangers' might come, in what numbers and how they should be managed. While no one will argue that criminal activity and organized crime that are in some way connected with the external borders and third countries are not an issue to be faced by the states of EU, it must be pointed out that in many cases these 'threats' and 'numbers' are in fact human beings on the move, migrants that have decided to leave their countries of origin because of different and numerous reasons. These people are becoming the target of FRONTEX' and member states' professionals (working either at the actual border or in an office), in order for the new technologies of surveillance and control to be tested and used, in order for a whole 'security field' and market of security that has to preserve the 'internal security' of EU to justify its existence and continue to function.

Before going into an examination of FRONTEX' activity in the Black Sea region, the next chapter will examine the criticism that FRONTEX has faced in the public debate.

VI. FRONTEX in the public debate

Since its establishment FRONTEX has faced a great amount of criticism coming from Non-Governmental Organisations (NGOs) and Human Rights Organisations, researchers and scholars and other initiatives regarding immigration¹. The agency has been criticized in various level, concerning issues such as human rights violations, its accountability, classified information kept away from the public and a lack of transparency, legal issues and ambiguities that arise from its status and of course, in a more theoretical level, regarding its role in the process of securitization of immigration in the EU.

Regarding **human right violations**, it must be noted that with the Lisbon Treaty coming into force in 2009, the Charter of Fundamental Rights of the European Union (first drafted in 2000) has acquired legal status and has now the same legal value as the other European Union treaties (Lisbon Treaty 2007: 13). This means that FRONTEX “could be called upon to account for its actions before the Court of Justice of the European Union” (Keller et al. 2011: 8). The member states of EU have also ratified the Convention for the Protection of Human Rights and Fundamental Freedoms (drafted in 1950) and the United Nations Convention (of 1951) and Protocol (of 1967) Relating to the Status of Refugees (also known as the Geneva Convention).

The Migreuop Network has published a thorough study regarding FRONTEX and the writers mention various cases where fundamental rights of refugees have been violated. The cases are those of violations of the right of asylum, obstacles to the ‘right to leave any country’, inhuman and degrading treatment, concerns regarding the right to the protection of personal data and cases of racial discrimination (Keller et al. 2011).

More specifically, the principle of non-refoulement² “has been undermined on multiple occasions” (op cit: 11), with a notable example the case of June 2009 when 75 people intercepted on Lampedusa were handed over to Libyan navy during an ongoing

¹ Notable examples are organisations such as Pro Asyl, the Migreuop Network and the European Council on Refugees and Exiles (ECRE) and blogs and websites such as the Noborder Network (noborder.org), Frontexplode (frontexplode.eu) and Migrants at Sea (migrantsatsea.wordpress.com).

² According to the Geneva Convention, Article 33, “No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion” (Geneva Convention 1951: 30).

FRONTEX operation in cooperation with Italian authorities, in spite the fact that in 2008 the agency has signed an agreement with United Nations High Commissioner for Refugees (UNHCR) regarding the rights of refugees (before that the right of asylum was not even regarded by FRONTEX at all) (Keller et al. 2011: 12). Serious concerns have been also raised in the cases of flights arranged for the expelling of immigrants (joint return operations) where information given by the agency are scarce but reports from individuals that have been through these operations speak of cases of ill-treatment, long waiting times in a restrained environment and cases of deception regarding the reason being transferred and the place of transfer (op cit: 14 - 17).

In many of these and other similar cases regarding violations of fundamental rights the answer of FRONTEX is that the agency is not responsible for “assessing whether or not human rights are respected in the countries to which migrants are returned” (op cit: 14) – however, the agency has and practices the power to seal agreements with third countries in order to promote its goals. Moreover, as it has been mentioned before, the agency always stresses the fact that according to its regulation it is not responsible for anything happening during its operations and that responsibility remains to the respective member states. That brings up the issue of the **accountability of FRONTEX**. While many FRONTEX operations are undertaken after member states request them, the fact remains that the assessment of whether these operations should be realized are based on the agency’s own risk analyses. Moreover, the agency has in fact the power of launching initiatives for joint operations and other pilot projects and the agency’s staff have “executive powers” (ECRE & BRC 2007: 6). These circumstances create an ambiguous status for the agency, especially in situations where during operations there are violations of human rights, accidents and even deaths.

The lack of accountability of FRONTEX is even more emphasized by the fact that there is a general **lack of transparency** and much information regarding its analyses and operations remain confidential. The European Council on Refugees and Exiles (ECRE) observes a “lack of transparency, and the absence of independent monitoring and democratic accountability of the Agency” (op cit: 2). The public information regarding FRONTEX are found in what the agency publishes (annual reports and work programmes) as well as in its website. However, its risk analyses are secret and confidential and the explanation given by the agency for this is that they contain sensitive information provided by the member states. The European Parliament also, plays no role

in the forming of these reports (Carrera 2007: 14). Moreover, detailed information regarding the operations of FRONTEX, as well as the agreements with third countries or other agencies and organisations are not published (COWI Report 2009: 45, Papastavridis 2010: 88, ECRE & BRC 2007: 10).

Specifically, in the case of cooperation with other agencies, FRONTEX reports that it has developed cooperation with various institutions active in different fields such as:

- Justice and Home Affairs (JHA): Europol, Eurojust and CEPOL
- Maritime activity: European Maritime Safety Agency (EMSA)
- Research: Joint Research Centre (JRC) and DG Enterprise and Industry (DG ENTR)
- Immigration: International Organisation for Migration (IOM), International Centre for Migration Policy Development (ICMPD), Geneva Centre for the Democratic Control of Armed Forces (DCAF) (FRONTEX AR 2009: 10 - 12)

This list is not complete since there are also other institutions with which FRONTEX cooperates (for example the European Anti-Fraud Office (OLAF) and Interpol). The nature and the legal framework of FRONTEX' cooperation with all these other actors also suffers from a lack of transparency. In the case of security agencies like Europol and Interpol the nature of cooperation revolves a lot around data on individuals and information exchanging, “whose purpose, use and level of protection applicable to this sensitive information may vary greatly from one institutional actor to another” (Carrera 2007: 18). In the case of cooperation with organisations that deal with migration FRONTEX states that the reason behind this is the protection of fundamental rights of individuals. The agency is developing “a new training concept” with support by UNCHR, where the staff are “given special Fundamental Rights training” (FRONTEX AR 2010: 19). In the 2010 annual report the agency stresses the effort it makes towards the respect of human rights and also mentions operation Agelaus where UNHCR and IOM were “actively involved” (op cit). However, as we shall see later (based on a recent Human Rights Watch report regarding the agency) much of these declarations seem to only be on paper. It must also be noted that this effort of FRONTEX to promote the protection of human rights has just only began and that all these years of its conduct not much work has been achieved in this sector. Speculating on why this effort has just now

began (on paper at least) we can say that the agency is being pushed by the Lisbon Treaty which has given the Charter of Fundamental Rights a legal status but also due to all these years of criticism that it has faced from civil society.

Regarding its rather **ambiguous political role**, Sergio Carrera (2007) has pointed out that while the agency is supposed to be a depoliticized Community body it is caught up in a highly political spectacle that prevents its immunity. The reasons for this are the following:

First, its capacity is overly dependent on the actual level of cooperation from the member states; second, its activities are “emergency driven” and a byproduct of political pressures and strategies exercised by particular member states; and third, the European Commission exercises significant influence over the Agency (Carrera 2007: 9).

All these facts create a serious lack of democratic accountability of the FRONTEX which creates a rather ambiguous status. **Legal issues** have also been pointed out that arise from the agency’s operations, especially at sea where boats with immigrants are intercepted (often in the waters of non-EU members)¹. A major legal paradox is also the fact that while the agency is a Community body with legal personality, autonomous and independent with the power to exercise “the implementing powers, which are conferred upon it by this Regulation” (Regulation (EC) No 2007/2004: 2), it states at every opportunity that responsible for the control and surveillance of the borders are the member states. Thus, FRONTEX “exists both as a specter-like coordinating manager as well as an actor with legal autonomy” (HRW Report: 13).

However, more important for this paper are not the issues that arise concerning legal ambiguities of FRONTEX activity and how the agency could do its work better without political implications but issues that arise concerning the role of FRONTEX in the process of the **securitization of immigration** in the EU and Schengen affiliated countries. All the main tasks of FRONTEX’ can be considered securitizing practices that

¹ For a detailed analysis on legal issues regarding FRONTEX’ operations see Papastavridis Efthymios, “‘Fortress Europe’ and FRONTEX: Within or Without International Law?”, *Nordic Journal of International Law* 79 (2010), pp. 75–111, and on a more political analysis Johannes Pollak and Peter Slominski, “Experimentalist but not Accountable Governance? The Role of Frontex in Managing the EU’s External Borders”, *West European Politics*, Vol. 32, No. 5, 904–924, September 2009.

contribute to the securitization of asylum and migration in the EU. By conducting risk analyses to decide on the threats coming from the outside and proposing joint operations to member states in order to survey and control the external borders and to apprehend and put in detention centres people on the move, by training border guards, by sealing agreements with third countries authorities, by utilizing the new technologies of surveillance and encouraging more research towards this direction and by supporting a market and a nexus of security professionals, FRONTEX is *in practice* contributing to the securitization of immigration in the EU societies. If politicians are the ones that contribute to the phenomenon by *speech-acts*, then institutions like FRONTEX are the ones that practice security and at the same time disseminate on various levels in the member states a discourse of insecurity and of framing immigrants as a threat to the EU societies, thus contributing to the creation of a ‘risk society’ and to the idea that “freedom” can only be perceived in a context of insecurity and banishment of the ‘others’. FRONTEX may suffer from political and legal ambiguities but even if those are solved and even if more respect towards the rights of immigrants is achieved, even if the asylum seekers are recognized and treated according to the human rights treaties and even if conditions of living in the detention centres ameliorate (although there is already a paradox in this sentence), even then, the fact remains that the immigrant will still be treated as a danger to the social life of EU member states, an idea that years of social science and anthropology work has challenged repeatedly but which the heads and policy-makers of the EU neglect on purpose having formed a “policy of forgetting” or “denial” (Bigo 2002: 1).

Scholars like Léonard and Neal have shown FRONTEX’ contribution to the securitization of immigration but have also pointed out that the agency has not unlimited powers. Despite the agency’s great increase of budget and independence the fact that realization of operations are in a big part dependent on member states limits FRONTEX’ power as a major securitizing actor (Léonard 2011: 32). Neal (2009) has also pointed out that FRONTEX cannot be seen under the light of securitization theory as an ‘exceptional’ development or an ‘urgent’ measure outside of the ‘normal’ political framework since in today’s EU the processes and practices in the field of security are driven “not simply by a logic of crisis, emergency and exception, but through the formation of linkages between diverse policy areas, different technologies and security professionals of different specializations” (Neal 2009: 343, 352).

The agency is still young and its role probably has not yet clearly formed. What is certain is that the new regulation of FRONTEX (presented earlier) shows that the EU wants a stronger agency and that more control is pushed on the borders with the creation of the European Border Guard Teams. The next chapter will examine FRONTEX' activity in the Black Sea region in order to highlight a practical aspect of EU's policy in the managing of its frontiers and it will also use a report by Human Rights Watch as a case in point.

VII. FRONTEX in the Black Sea region

a. Activity

Since many migration routes run through northern Africa, much of FRONTEX' operations and budget is used for the surveillance and control of the southern maritime border of the EU. However, the Black Sea region is seen by the EU as an equally important frontier region that must be surveyed, especially since Romania and Bulgaria entered the EU in 2007. The 2007 annual report of the agency states that a Tailored Risk Analysis called "TRA Black Sea as a Potential Route for Illegal Migration" was conducted, with the aim to assess the situation of "illegal immigration at the Black Sea including currently used migration routes throughout the region" (FRONTEX AR 2007: 42). Moreover, FRONTEX' 2011 work programme states:

Bulgaria and Romania are likely to become parties to the Schengen agreement in 2011. Thus, the area of free travel with no internal controls might expand to the shores of the Black Sea, making the two Member States potentially more attractive for illegal migration flows transiting through Turkey. [...] Facilitators might also develop new irregular migration routes through the Black Sea [...] (FRONTEX WP 2011: 25, 27)¹.

Another view of the situation is also gained by looking at a map published by the Migreurop network displaying the various camps for the detainment of immigrants all around and inside Europe². Camps are scattered all around the Black Sea region, especially in the Greek-Turkish land border and both sides of the Moldovan and Ukrainian border.

FRONTEX has signed working arrangements with various countries from the Black Sea region. The working arrangements of FRONTEX with third countries concern information exchange, risk analysis, training, research and development and coordination of joint operational measures – more or less the basic tasks of the agency. By signing

¹ However, on September 2011, Bulgaria's and Romania's bid to join the Schengen area were vetoed by Netherlands and Finland. "It is now unlikely Romania and Bulgaria would now be able to join before the Commission's next report, due in July 2012, at the earliest" (Financial Times 2011).

² See Annex, Map 2 for the map.

agreements with the third countries the agency is in essence expanding its network of partners in order for a more effective control and surveillance of the external borders but it is also an effort to stop immigrants from even reaching the EU borders either through land or through airports.

In January 2006 the agency signed a working arrangement with the Russian State Border Guard Service. (FRONTEX AR 2006: 18). Russia was the first non-EU member to sign an agreement with FRONTEX and during the first months of 2009 FRONTEX coordinated a joint operation at the Kaliningrad area where Border Guard Service of the Federal Security Service of Russian Federation took part (Laitinen 2009).

In 2007 the border guard service of Ukraine and FRONTEX signed a working arrangement for “jointly improving border security arrangements, border control efficiency and a reliable exchange of information” (Söderköping Process 2011a).

In 2008 a working arrangement was signed with the Republic of Moldova and Georgia. According to the agreement the border guards of the two countries will be benefited from receiving training by the Common Core Curriculum of FRONTEX. Moldova also joined the agency’s risk analysis network (FRAN). The participation of the two countries in any activities will be financed by FRONTEX (FRONTEX News 2011a, FRONTEX News 2011b)

RABIT exercises have been conducted around the south-eastern border of the EU like the Dacia 2008 exercise, a ten-day long exercise conducted on the Romanian-Moldovan border in order to test the management of the RABIT teams deployment mechanism (FRONTEX News 2011c)¹.

In 2009 the National Training Coordinators Conference was organized by FRONTEX at Traiskirchen Frontex Partnership Academy in Austria. The goal of the conference was to familiarize the national training coordinators of third countries with the training system of the border guard services of EU member states. Participating in the training were, among countries from the Balkans (like Albania and Serbia), “experts who work in the field of professional training of the border guard services” from Ukraine, Russia, Georgia and Moldova (Söderköping Process 2011b).

The 2010 Programme of Work of the agency stated that FRONTEX should “develop data collection plans” with countries such as Russia, Moldova and Ukraine and

¹ 49 RABITs (border guards from 23 EU member states and Schengen associated countries) were involved in the exercise. The list includes Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Germany, Denmark, Estonia, Finland, France, Greece, Hungary, Italy, Latvia, Lithuania, Spain, Malta, the Netherlands, Norway, Poland, Romania, Slovenia and Slovakia (FRONTEX News 2011c).

that it “should also explore ways for improving the collection of intelligence from those areas where most migrants assemble before entering illegally into the EU” (FRONTEX WP 2010: 25 -26).

An especially important place in the wider Black Sea region for FRONTEX is the Greek-Bulgarian-Turkish land border. The Greek land border was the one to host the first deployment of a RABIT in 2010 (before that only RABIT exercises were conducted in the region, six in particular, in order to practice the deployment of the mechanism). On November, a total of 175 guest officers from 24 member states were deployed on the border from Orestiada to Alexandroupoli and additional officers at the crossing point at Kipi. Officers were also placed at Athens airport in order to enhance return operations. According to FRONTEX, officers were chosen based on their skills in similar operations and have received mandatory “training in human rights”. The equipment deployed for the operation were: 1 helicopter, 1 bus, 5 minibuses, 19 patrol cars (4WD), 9 thermo vision vans, 3 Schengen buses and 3 office units, all pooled from FRONTEX’ CRATE, given by different member states (FRONTEX RABIT 2010: 3 - 4). The operation ended in March 2, 2011 and it was replaced by an extension of the ongoing maritime operation Poseidon Sea in the Greek waters (one of the largest operations of FRONTEX). JO Poseidon Land was thus created to cover also the Greek-Turkish land border and it is now a permanent operation of the agency also to be expanded in the Bulgarian-Turkish border after accession of the country into Schengen (FRONTEX News 2011d, FRONTEX WP 2011: 42).

FRONTEX’ 2011 work programme also mentions a possible future Joint Operation in the Black Sea, named JO Nereus, with host countries Bulgaria and Romania, “based on risk assessment after accession of Romania and Bulgaria into Schengen” (op cit: 42, 45). Since the two countries haven’t yet entered the Schengen area the operation hasn’t yet materialised. However, the fact FRONTEX proposes a possible joint operation in the Black Sea indicates that the south-eastern borders of the EU are seen as equally worth of attention as the southern. The 2011 work programme of the agency also proposes the strengthening of border controls, information sharing, development of joint operations, cooperation with other security actors such as Interpol all around the Black Sea in the borders of countries like Greece, Bulgaria and Romania and in cooperation with third countries like Russia, Moldova and Ukraine (op cit: 32 - 34).

From this general outline of FRONTEX' work in the Black Sea region we can see that the region has been established as EU's south-eastern external border where control and surveillance and the "fight" against 'irregular' immigration are practiced heavily. EU has extended its *ban-opticon* in the wider region which, as the previous chapters have shown, it considers a frontier, asserting its political discourse over the third countries of the region which should be Europeanised and brought closer to EU's norms (in order for EU to be secure) but at the same time not offering them a clear prospect of accession in the Union.

As a case in point, the following chapter will present a September 2011 report by Human Rights Watch concerning FRONTEX and its role in the Greek-Turkish border, one of the most important borders for the EU in the wider Black Sea region.

b. HRW report on FRONTEX and the Greek-Turkish land border

On September 2011, Human Rights Watch (HRW), one of the most active nonprofit, nongovernmental human rights organisation, published a report concerning the condition in the Evros region¹ detention centres for immigrants and FRONTEX' involvement in the region. The report is titled "The EU's Dirty Hands: Frontex Involvement in Ill-Treatment of Migrant Detainees in Greece"². It is chosen as a case in point since the Greek-Turkish land border is the most 'busy' passage in the wider Black Sea region³ and the only place where a deployment of a RABIT has taken place (all other operations of FRONTEX in the Black Sea region were exercises) in order to highlight aspects of the agency's work on the border.

¹ That is the eastern peripheral unit belonging to the periphery of East Macedonia and Thrace of Greece, bordering Turkey in the East and Bulgaria in the North.

² Research for the report was conducted from November 28 to December 4, 2010 and from February 13 to February 17, 2011. Visited detention centres were: Venna detention center, Fylakio detention center, Tycherio police station detention cells, Feres police station detention cells and Soufli police station detention cells. 65 individual interviews were held with migrants, refugees and asylum seekers from Iraq, Iran, Afghanistan, Pakistan, Eritrea, Syria, Tunisia, Morocco, Palestine, Sudan, Algeria, Cameroon, Georgia, Sri Lanka, and Turkey (most of them males and 7 women and 12 children). Interviews were also held with migrants living in Athens. Moreover, Greek police officials, the FRONTEX deputy executive director in Evros and other FRONTEX officials were also interviewed. For more details on the methodology of the research see the report on: http://www.hrw.org/sites/default/files/reports/greece0911webwcover_0.pdf (HRW Report 2011: 8 - 9).

³ FRONTEX reports a 345% increase from 2009 to 2010 in the 'migratory trends' passing the specific land border (FRONTEX Press Pack 2011: 6). See also Annex, Map 2 and 3 (the detention camps and death of immigrants) for another depiction of this phenomenon.

On September 21, 2010, the situation in the Evros region was characterized as a “humanitarian crisis” by the United Nations High Commissioner for Refugees (UNHCR) due to the extremely bad conditions in the detention centres (where immigrants crossing the Evros river were held after apprehended) which “did not meet minimal human rights standards” (HRW Report: 1). UNHCR also stated that the lack of functioning asylum system in Greece “had important implications for the wider EU” (op cit: 19). On November 2010 FRONTEX deployed its first RABIT on the region, which, as mentioned earlier, ended on March and was replaced by a permanent FRONTEX presence through the JO Poseidon Land¹.

HRW research concludes that FRONTEX officials knew about the grim conditions in the detention centres but nevertheless chose to go through with the deployment of the RABIT (op cit: 23). The head of the Operational Management Component of FRONTEX’ Piraeus Office had visited detention centres in Evros and had seen the conditions (op cit: 21). However, the situation concerning human rights violations in the centres was characterized by FRONTEX only as “difficult” (op cit: 20).

The reason for the RABIT deployment was a Greek request to FRONTEX to help with the control of the borders. In 2010 the Greek-Turkish border quickly became the most crossed border of the EU after a decline of crossing from Spain and Italy. In November 2010, FRONTEX stated that,

With the flows of illegal migration to Canary Islands and Lampedusa currently very reduced, all Greek external borders of the EU – including land (with Albania, FYROM and Turkey), air and sea borders - now accounts for 90% of all detections of illegal border crossing along the EU external borders (FRONTEX Press Kit 2010: 1)

However, it is very important to note that Greece’s request was “encouraged” by the European Commission which saw the situation in the border as an emergency (HRW

¹ On a side note that is not directly related to FRONTEX activity in Evros but helps in understanding the situation being formed in the region we must mention the Evros Fence project that is being materialised. The Greek government intends to put up a fence of 10-12 kilometer in the region and already the submission of bids by companies desiring to undertake the project has been concluded. The whole project also involves a great number of technological equipment ranging from thermal cameras and automobile centres of surveillance to helicopters, boats for the coast guard and installment of the Schengen Information System II (SIS II) (Newpost 2011, Το Βήμα 2011, Capital 2011). Thus, the EU is literally building walls to secure its territory from the ‘outside threats’.

Report: 23). As Kari Wahlström, head of the FRONTEX Operational Office in Greece, stated to the researchers of HRW concerning the bad conditions in the detention centres,

The facts were known to us from the very beginning, but the pressure on the border grew. While knowing the conditions, it was still necessary to stop this, as the situation was not under control (op cit: 23).

Thus, FRONTEX and EU chose to characterize the situation in the border an “emergency” and to decide on the deployment of a RABIT, the agency’s mechanism for dealing with “exceptional and urgent situations” (Regulation (EC) No 863/2007: 1) – and that ‘urgent’ situation is increased number of people moving towards the EU through the Greek-Turkish land border, a situation which probably was in a great extend created due to FRONTEX’ own operations with other member states in the Mediterranean Sea which led to the decreasing of migration flows from the southern external border. For FRONTEX the situation was so ‘exceptional’ obviously that the agency decided to put matters of human rights violations aside and go through an operation which would only bring more people to the already packed and disgraceful detention centres.

The European Court of Human Rights (ECtHR) in January 2011, after a review of all the reports from the Evros region since 2005 concluded that:

All the centers visited by bodies and organizations that produced the reports listed above describe a similar situation to varying degrees of gravity: overcrowding, dirt, lack of ventilation, little or no possibility of taking a walk, no place to relax, insufficient mattresses, no free access to toilets, inadequate sanitary facilities, no privacy, limited access to care. Many of the people interviewed also complained of insults, particularly racist insults, proffered by staff and the use of physical violence by guards (HRW Report: 21 - 22).

The HRW report conclusions are also similar to that of ECtHR¹: overcrowding, women held with men or unaccompanied children with unrelated adults, very bad sanitary conditions (e.g. broken toilets or no toilets at all, sewage running on the floor,

¹ Conditions were varying from one centre to the other and the facts mentioned here are a summary of the conditions. All detention centres however did not fulfill minimal human rights standards (HRW Report: 1).

dirty beds, mice etc), not enough beds for all people, limited or no access to doctors and medical treatment, unjustifiable police violence (even to children), none or very little time to walk outside of the buildings, lack of briefing to the immigrants regarding their rights (right to seek asylum or refugee status etc), extremely time-consuming (weeks and months) process for the claim of asylum that force the people not to lodge a claim (op cit: 29 - 37).

FRONTEX' enforcement role in the Evros region was conducted on various levels. Apart from the equipment and the border guards from other member states ("guest officers") that the agency provided, pooled from its resources created by the contribution of the member states (the detailed numbers were mentioned earlier in the previous chapter), FRONTEX was also involved in apprehensions of immigrants, in their transfer to the Greek detention centres and in nationality-determination interviews ("screenings").

Apprehension and transfer: FRONTEX border guards were patrolling the border along with Greek border guards (at least one Greek officer must be present). The "guest officers" have the power to apprehend immigrants and transfer them to their Greek colleagues who run the detention centres. FRONTEX officers and officials stated to the HRW researchers that they knew the conditions of the facilities where the immigrants were transferred to and that they had also witnessed themselves the situation at the detention centres since many times they were operating or where located next to them (HRW Report: 39). The agency also states that its border guards are operating under "instructions" from the Greek authorities. They wear the uniforms of their own country but are not under command of their home authorities although sometimes they report back to their home country after operations (op cit). In the patrols there is a "shift leader" who is Greek and is supposed to be legally responsible for everything that happens but as FRONTEX officials stated the RABIT patrols "are without commander, but the shift leader leads the patrols. In comparison with a commander, a shift leader is slightly less high in the hierarchy" (op cit: 40). Thus, the status of responsibility and chain of command in the patrols remains ambiguous.

Nationality-determination interviews: FRONTEX also provides staff who conduct nationality-determination interviews or as they are called "screenings" in the detention centres of Evros. The purpose of the interviews is to determine the

immigrants' country of origin for the deportation to follow. In the interviews that the HRW researchers observed no Greek officer or official was present, only FRONTEX personnel (op cit: 40). After interviewing Greek police officials the researchers concluded that the Greek authorities treat the FRONTEX interviews as determinative. Various Greek police commanders of different areas of Evros told the researchers that FRONTEX "screens alone" (op cit: 44). The paradox is that FRONTEX officials state that Greek authorities have to be present in the interviews and that they are in fact constantly present – although the researchers did not observe this fact, the excuse of FRONTEX was that it sometimes happens that officers are urgently needed somewhere else and leave (HRW Report: 45). Moreover, FRONTEX states that the interviews are not determinative but just "presumptions" that "the Greek government can accept or reject when it tries to deport people (op cit). However, according to the report, the Greek authorities rely exclusively on the FRONTEX personnel interviews and rubber-stamp the screenings (op cit). These interviews are also the "most substantive" (op cit: 3) of any kind that the immigrants experience. In that respect, HRW concludes that:

Given the formidable barriers to lodging asylum claims in Greece at that time (particularly in the Evros region), the exclusive enforcement emphasis of these interviews appears to have contributed to the protection gap in the Evros region, including the risk that genuine refugees might not be identified and would be subjected to refoulement (op cit: 3).

It is obvious by the observations of the report that FRONTEX presence and activity in the Evros region (which has now become constant) has contributed to the expose of immigrants to inhuman and degrading treatment. FRONTEX is bound by the Charter of Fundamental Rights of the European Union to respect human rights and not to expose any person to torture and inhuman and degrading treatment and its activity in the Greek borders has violated that law. FRONTEX states that its mandate does not allow intervention to inhuman detention centres (op cit: 47) but that of course does not absolve the agency from responsibility.

Moreover, by choosing to neglect the fact that its activity will violate the rights of immigrants and to justify its actions by invoking a situation of "emergency", it becomes clear that FRONTEX is contributing to the securitisation of immigration and that the

EU has set as its priority not the protection of human rights of people but the enforcement of its security agenda. Before even a common set of rules and standards regarding asylum procedures, protection of human rights, definition of who is a refugee, and similar important issues have been achieved by all the member states, the EU regarded as more important the enforcing of securitizing moves and the establishment of an agency with an ambiguous role and an activity that violates the rights of people, rights which it is supposed to be protecting by law.

From the moment the agency was created, FRONTEX officials try to convince that its role is that of a coordinator. Gil Arias Fernández, deputy executive director of Frontex, states,

We are always explaining what is sometimes difficult to explain. Our role is one of a coordinator. We act as a facilitator between states for resources. The operations are always led by the host state (HRW Report: 11).

However, this way of putting it, is an understatement. FRONTEX only technically, according to its mandate, is a coordinator, but as the above example of the HRW report and the previous chapters have shown, in practice the agency does a lot more. Apart from its contribution to the unease and insecurity of EU societies by conducting risk analyses which then determine the operations and the enforcement that need to take place, it acts as an institution that provides the necessary know-how to the member states that (according to the Commission and FRONTEX) cannot cope with ‘irregular’ migration by offering technology, staff, education, training and a extended framework for further research and cooperation of the different actors (from EU and international space) participating in the ‘security field’. This way it is enforcing EU’s immigration policy in practice, ‘modernising’ or ‘Europeanising’ the member state’s approach to migration (not just ‘helping’ them), a policy that obviously puts ‘security concerns’ over and above human rights obligations. Moreover, the agency’s power to seal agreements with third countries and partners (actors whose compliance with the international treaties for the protection of human rights and refugees might vary greatly) in order to enforce EU’s policy inside and outside of the external borders does not justify its characterization as just a “coordinator”. This way of viewing FRONTEX’ role also explains its rapid growth of budget: it is not because the work of FRONTEX is really

needed or demanded by the member states¹ but because it is EU's intention to push forward its immigration policy that all these millions are given to the agency.

Despite EU's costly efforts to keep immigrants out of its territory the latest figures suggest an increase in immigration. For example the latest data concerning the asylum applications from Eurostat and UNHCR reveal that there is an increase in the number of asylum applicants during the first six months of 2011 (17% more in the first six months of 2011 than during the same period of 2010 and almost as many as the second half of the year) (UNHCR 2011, Eurostat 2011). The Italian Coast Guard reposts that 44,000 migrants reached Italy by boat in first half of 2011 (Migrants at Sea 2011). FRONTEX itself states that, "At the EU level, detections of illegal border-crossing increased by 53% compared to a year ago" (FRONTEX FRAN 2011: 12). We should also add to these numbers that 2011 is turning out to be the deadliest year of the decade – 1,931 dead immigrants are reported in the first seven months of 2011, most of them in the Sicilian Channel (Clandestina 2011). These facts raise the question of how really 'effective' is EU's immigration policy and FRONTEX' activity and at what cost in human lives?

¹ "Needed or demanded" in terms of an 'emergency'. However, FRONTEX can be viewed as an institution that is welcomed by member states since it contributes to their 'Europeanisation' and takes on a lot of the work that has to be done on the borders.

VIII. Conclusion

This paper set out to examine EU's immigration policy, security discourse and practice for the Black Sea region, the south-eastern external border of the Union, and it focused on the workings of FRONTEX in the wider region.

The main theoretical assumptions and key hypotheses through which the subject was examined was Didier Bigo's theory of the "Governmentality of Unease" which gives great insight when examining EU's security agenda and an agency such as FRONTEX.

Initially, by examining how the EU's policies regarding 'irregular' immigration have developed it was shown that immigration has become one of the most important problems for the political powers of the EU and how the agenda of securitisation has progressed since the conception of the Schengen area to today's Area of Freedom, Security and Justice, with 'security' disturbingly outweighing 'freedom' and 'justice'. The Black Sea Synergy initiative was taken as an example to show how this agenda applies on the Black Sea region and how EU's security discourse is constructing the region and supporting inhumane practices implemented by FRONTEX. It was concluded that the Black Sea countries are seen by the EU as a set of states that need to be 'Europeanised' and brought closer to EU's values and norms, closer to 'civilisation'. The region is viewed by the EU as a source of threats, thus contributing to EU's 'insecurity', but at the same time as a place of opportunities and vital EU interests. However, offering no clear prospect of membership to the Black Sea countries, EU's policy papers seem rather ambiguous and reveal how the region is constructed as EU's south-eastern frontier. Among other threats that stem from the region, such as regional conflicts and organised crime, 'irregular' immigration is also seen as a danger that needs to be dealt with.

For implementing its Global Approach to Migration and Integrated Border Management policies the EU has created the FRONTEX agency. By presenting in detail the nature and work of the institution it was revealed how the agency plays a key role in the 'security field' of the EU by: producing the so-called 'risk analyses' (which in essence define the threats that the EU has to face); conducting operations with the member states for the apprehension and deportation of immigrants; training border guards; providing a platform for research on the new technologies of control and surveillance, as well as a platform for cooperation between different security professionals; cooperating with various other EU and international agencies for information sharing; and sealing agreements with third countries and actors. As the criticism that the agency has faced

from the civil society and academics has shown, FRONTEX' role is more complex than that of a 'coordinator' that bears no responsibilities, various legal and political issues arise from its mandate and operations and the agency's activities in many cases violate fundamental human rights principles. FRONTEX also suffers from a serious lack of accountability and transparency. Last but not least, it greatly contributes to the securitisation of immigration in the EU societies and the forming of the 'risk society' that Didier Bigo has observed.

Moving on to the agency's activity in the Black Sea region it was shown how, in practice, FRONTEX realizes EU's security strategy and extends its *ban-opticon*, by conducting RABIT exercises in the region, by sealing agreements with the Black Sea countries in order to stop immigrants before they even reach the borders ('externalization' of the border) and by training the border guards of the region's countries (EU and non-EU members). 2010 also saw the first deployment of a RABIT in the region, specifically in the Greek-Turkish land border. The operation ended in March 2011 and it was replaced by a permanent FRONTEX presence in the region (JO Poseidon Land).

Moreover, in order to highlight the agency's work on the Greek-Turkish land border the paper utilized a report from Human Rights Watch as a case in point. It was shown how FRONTEX knowingly brought immigrants to disgraceful detention centers in the Evros region thus violating the obligations that the agency and the EU are supposed to uphold, being bounded by the international treaties for the respect of human rights and the protection of refugees.

While FRONTEX claims that its role is only that of a coordinator and tries to avoid responsibilities, this paper suggests that in fact the agency has developed into a major actor in enforcing EU's immigration agenda and plays a great role in the securitisation of migration in the EU, contributing to the alarming practice of putting 'security concerns' over and above human rights obligations, to the 'unease' of EU citizens and to the forming of a 'risk society' that can only comprehend its 'freedom' through the banishment of the unwanted others. As Didier Bigo puts it:

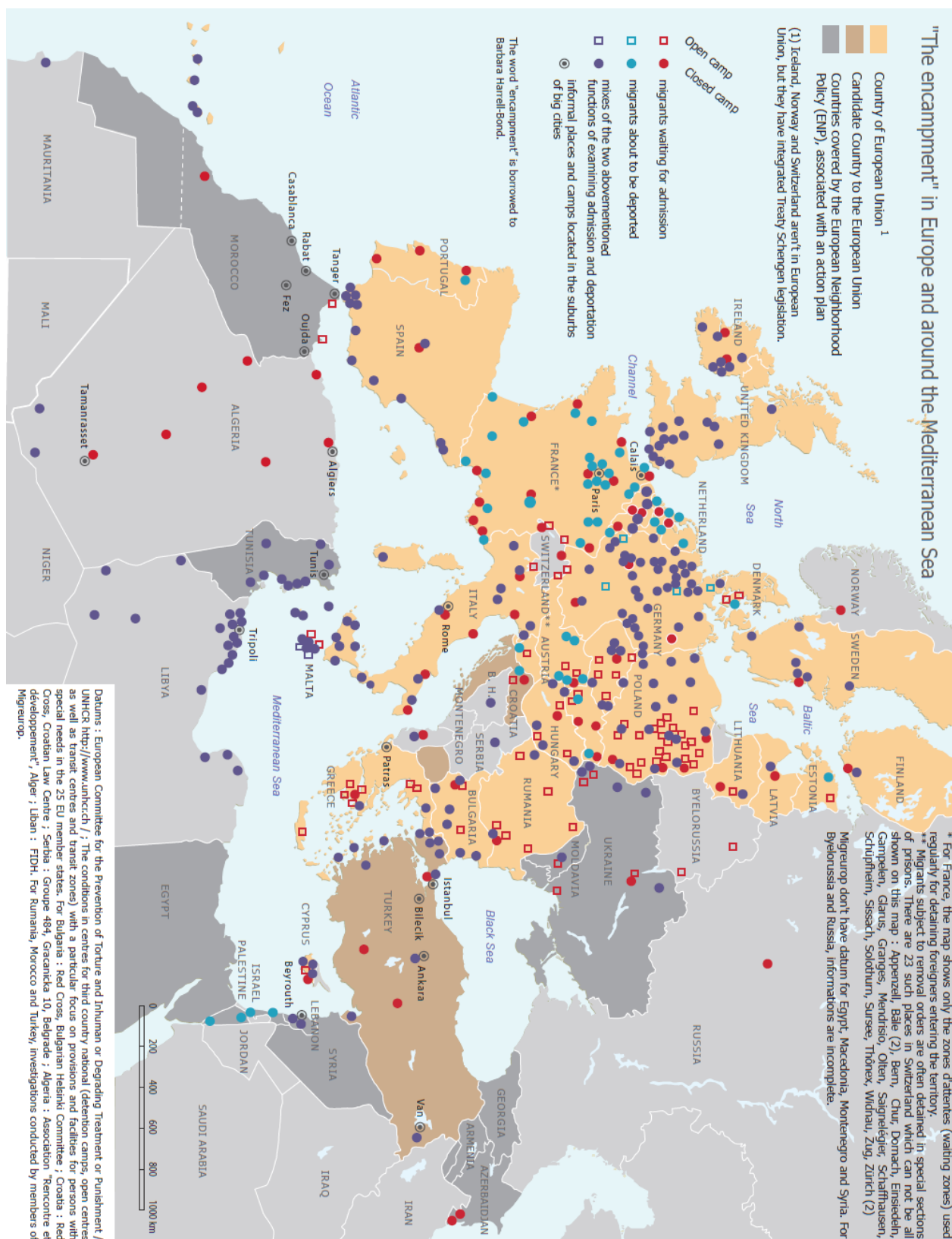
[...] our freedom depends on the severity of other states, especially, but not only, neighbouring states whose populations wish to leave their own country. Our freedom supposes more controls at the borders and more suspicion against tourism of the poor. Tourism as the freedom to

move is for the rich but the poor are by definition a threat against the order as they are supposed to want to stay in a host state in order to profit from social benefits (Bigo 2006: 36).

Annex

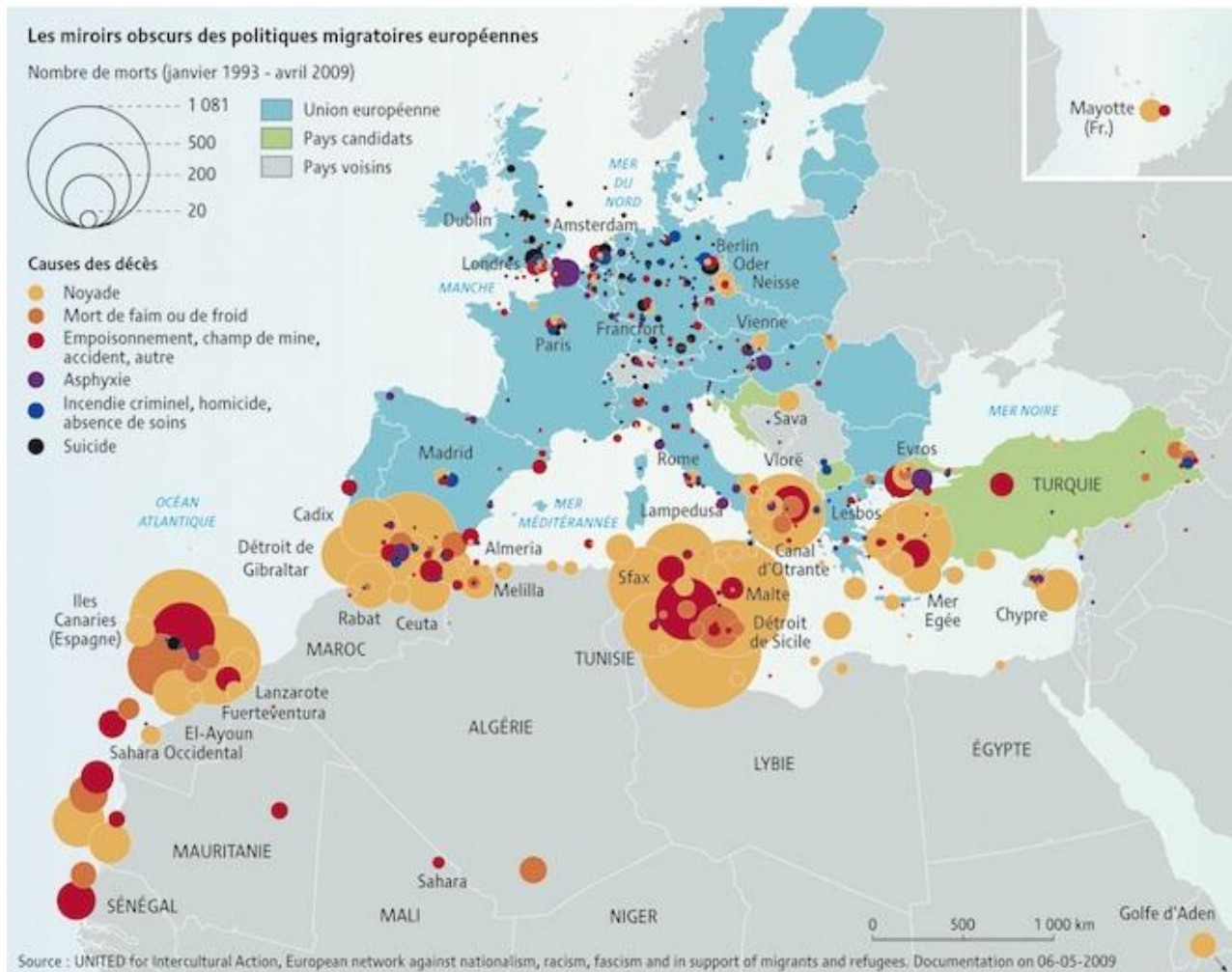
Map 2: Detention camps for immigrants around and inside the EU and Schengen associated countries. Published by Migreurop

(Source: http://www.migreurop.org/IMG/pdf/L_Europe_des_camps_2009.pdf)



Map 3: Death of immigrants around and inside the EU

(Source: <http://owni.eu/2011/03/04/app-fortress-europe-a-deadly-exodus/>)



Translation of legend:

Noyade – Drowning

Mort de faim ou de froid – Death by hunger and cold

Empoisonnement, champ de mine, accident, autre - Poisoning, minefield, accident, other

Asphyxie – Asphyxia

Incendie criminel, homicide, absence de soins – Arson, homicide, neglect

Suicide

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